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VOLUME 53 NOVEMBER 1960 No. 4

AMERICAN ASSOCIATION OF LAW LIBRARIES

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The attention of the readers is drawn to the advertisements in this issue.

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PRESIDENT'S PAGE

Building and portraying the life of an individual, and the life of an organization, follow a similar pattern. For both individual and organization, each day adds time and events in much the same manner as each one of a myriad of small mosaics adds its part in the creation of a large picture. If the picture is to become not only a large one, but also a great one, there must be a purpose, a plan. A touch of genius must inspire the artist to produce a masterpiece for the enjoyment of all who behold it, rather than something for his own pride and pleasure. It is not always easy at the moment of placing, to see the true significance of a single mosaic. Only time and perspective permit one to stand back, to look upon the maturing scene, and distinguish which are the dominant and which the less so, of the many bits comprising the whole.

Elsewhere in the pages of this issue of the Journal, there is mention of an event which time and perspective should permit us to view as significant. During the closing session of the Minneapolis meeting, certification of law librarians was introduced to AALL. At that time only the principle of certification was offered for acceptance. Such was approved. The purpose was clear but the details of the sketched plan were merely suggested ones. It will be five years before this mosaic is ready for placement in the developing picture of AALL's growth. During the interim, five years of artistry will be required to carefully prepare this dominant mosaic and those required for its proper setting. The touch of genius which should inspire those commissioned to perfect the details of the sketched plan, must find its source in a highly developed sensitivity to reality, and an understanding of the needs of every type and size of service unit represented by those within AALL.

When the last of the pieces have finally been fitted into place to form this new portion of our picture, it must not prove satisfying to just a few to whom it brings pride and pleasure by reason of a special viewing interest. To all who view it, there must come a sense of satisfaction and appreciation, that to a large picture there has been added something which gives it a touch of greatness.

HELEN A. SNOOK

Proceedings of the Fifty-Third Annual Meeting of the American Association of Law Libraries

HELD AT

MINNEAPOLIS, MINNESOTA, JUNE 27-30, 1960

MONDAY MORNING SESSION

June 27, 1960

The First General Session of the 53rd Annual Meeting of the American Association of Law Libraries convened in the Iowa/Wisconsin Room of the Leamington Hotel, Minneapolis, Minnesota, with Miss Frances Farmer, President of the Association, presiding.

PRESIDENT FRANCES FARMER: It is with a great deal of pleasure that I convene this 53rd Annual Meeting of the American Association of Law Libraries.

It has been a privilege to serve you. As my year concludes it is with some sadness that I depart from office. It is a great challenge to work with this organization. I had the pleasure of visiting many of the chapters this year to get to know the people better. The trips have been an inspiring kind of thing, and I hope they will be continued by the presidents who follow me.

I have said all that I have to say in the ten Newsletters that I have distributed and in the four President's pages that I have written for the Journal and in the President's annual report which should have come to you with the mimeographed reports, but on the off-chance that some of you did not commit all of this material to memory, I think perhaps it might not be unwise for me to underscore some of the things that I have tried to say.

First of all, I would like to reemphasize what the trips to the chapters have meant to me and what I hope the trips of the President to the chapters may have meant to these groups. It seems to me that the organization is coming more and more to depend upon the individuals and the works of the groups distributed throughout the country. To that end we are hopeful that the coming Presidents will continue this practice that Erv Pollack, with a great deal of foresight, inaugurated.

It is in the local groups that those people who do not have the opportunity to speak freely at the annual meetings have occasion to make themselves heard and to give the national officers the opportunity to hear the problems that are confronting them.

To that end I hope that Helen Snook will be able to visit many of the chapters this next year, and to even some degree that the President-elect may do some traveling as well, for it has been my experience that had I known the people in the chapters somewhat more intimately, I could have used those acquaintances to enlarge the committee personnel in a way that might have been more effective. Had I also been able to talk to some of the chapters in their own groups, as I have this year, it might

have, to some extent, enlarged our thinking about the program that we have arranged for you at this time. So I would emphasize that the opportunity to know the people and to hear the problems in the individual groups is something that is important to the national officers, and I hope is important to the chapters.

During the past year we have enlarged AALL's affiliation with related organizations to a degree that I think will be helpful in our future work and activities. Only a few days ago I had the final word from the American Bar Association's chairman of its Electronics Retrieval Committee that the affiliation with ABA and AALL for joint committeeship on electronic retrieval has been completed. The ABA people have been very gracious in suggesting that for the rotating chairmanship that AALL is to have the chairmanship this first year, so that we will have an unusual opportunity to guide and direct the thinking and work of that committee.

At the same time, we have just completed the details of affiliation with the International Federation of Library Associations, and as well, this year we were able to affiliate with the Joint Libraries Committee on Fair Use of Photocopying. Just before I left home I announced to the American Standards Association's new committee, Z-85, that AALL's representative on that joint committee would be Cameron Allen.

At the board meeting yesterday, we discussed somewhat further our plans for undertaking a study for the establishment of permanent headquarters. The officers, I think, have been convinced this year as never before that the necessity for establishing permanent headquarters has now reached the point that it is imperative. To that end a subcommittee was appointed by the Executive Committee at its board meeting last December and Helen Snook, Bill Murphy and I met in New York in April to try to draft plans for setting up a feasibility study for establishing national headquarters. We met for two rather lengthy sessions and at the same time asked to associate with us several members of the Board of the New York area as well as other members of the Association.

We feel we arrived at some rather helpful conclusions, and I am sure that as Helen Snook takes over, the feasibility study will get under way.

In the interim there have been a number of sources who have made overtures for assisting us in providing space for the offices. While I am not prepared to make any definite statement with respect to when or how we will undertake this job, I do feel that we have at least made a headway and in addition have made a number of related groups aware of our efforts to the point that some helpful advice will be forthcoming.

In concluding I would like to announce that the Council on Library Resources has just made a grant to us of $5000 to reproduce the list of subject headings on which Werner Ellinger has been working. It is necessary for this list to be compiled in such fashion that Werner and his group may continue to perfect the final list.

I would like to pay tribute to Werner Ellinger at this time for his efforts on our behalf in persuading the Council to make this generous ap-

propriation to us, and I think at this time if Werner has anything to say, perhaps this is the time to say it. Werner, would you like to make some announcement with respect to this?

DR. WERNER ELLINGER: There isn't much I have to say except that now we are in the rather embarrassing position, having the money, of having to do the work.

The activity is by its nature more or less a one-man operation, because the list is contained in a card file in my office, and in order to edit the list, one has to consult the Library of Congress catalog at all times to verify whether a heading has been used for legal materials; at the same time we try to enlist the cooperation of the editor of the Library of Congress list of subject headings to make certain adjustment whenever possible so as to have Library of Congress practice coincide with our own preference. The other reason that it is a one-man operation is that the main task that requiries working from this card file is that of adjusting the reference structure to prevent blind cross references that would lead from or to headings not contained in our list. Because we have to consult the whole file from A to Z, we cannot assign portions of the list to other persons to help us.

So I cannot make an exact prediction just how long this work will require. It is considerably more time-consuming than I had anticipated. However, I should like to pay tribute to the other two members of the subcommittee in Washington, Helen McLaury who is here and Charles Bead who is not. Both of them helped complete the final compilation of the list.

PRESIDENT FARMER: Thank you, Werner. I wanted the members to know that the securing of this grant has been altogether due to the efforts of Werner Ellinger.

[Applause]

The Secretary will give her report. Doris Fenneberg.

MISS DORIS FENNEBERG: Even though I said it in my report, I again want to personally thank all of the members who have helped me so much this year, not only this year but in the past three years. I feel that the members of this Association have really been extremely cooperative, and they have been right in there to help when help was needed.

I also want to apologize to the new members. There was quite a mix-up this year. There was a change in the Treasurer's office, and there were many new members who were not properly welcomed into the Association. I know that my own absence there for a while didn't help matters any.

I do want to let you know that if you have not had your name in the new members news, eventually it may get there.

Again I want to say that it has been a pleasure to serve you these last three years.

PRESIDENT FARMER: Bill Murphy, the Treasurer.

MR. WILLIAM R. MURPHY: The Treasurer's report appears in the mimeographed statement, and I have nothing to add to it, but I would be glad to answer any questions. We are solvent. Our bills are paid, and I think we will see the next year through.

While I am here, I want to take a moment to thank my fellow officers and the members for the help and cooperation I have had this past year.

The Treasurer's job is not difficult, but it is detailed and time-consuming, and the assistance I have had has really made it a pleasure.

PRESIDENT FARMER: Before proceeding with the liaison reports of the officers of the Executive Board, I would like to call on Arthur Fiske for the report of the Elections Committee.

MR. ARTHUR W. FISKE: President Farmer, Ladies and Gentlemen: Your efficient incoming Secretary, Goldie Green Alperin, certified the ballots to the Elections Committee on June 14, and we had a meeting of this committee on June 15, and counted the ballots. I wish to report and certify that Elizabeth Finley was elected President-elect, Goldie Green Alperin Secretary and Bill Murphy, Treasurer. I wish to certify also that in the Board contest Margaret Hall was elected.

PRESIDENT FARMER: With respect to the presentation of annual committee reports, you will recall that last year we established the practice of having various members of the board serve as liaison officers for the committee chairmen reports. The liaison officers reported to the board at its session yesterday, and with the exception of two, the liaison officers reported that there are no additions to the reports.

It is necessary at this time, however, for those reports to be accepted and filed. Do I hear a motion to that effect?

MISS MARGARET HALL [University of Puerto Rico Law Library, Puerto Rico]: I move that the reports of the liaison officers be accepted and filed.

PRESIDENT FARMER: Is there a second to that motion?

MR. DAVID S. D. JESSUP [New York]: I second the motion.

PRESIDENT FARMER: All in favor signify by saying "aye;" opposed "no." It is so ordered.

There are some reports that exceeded the length required for publication in the Journal. All committee reports exceeding 300 words in length must have favorable action by the membership for printing their reports in full. For those committee chairmen whose reports exceeded 300 words in length, we will now entertain a motion for having those committee reports published in full.

MR. FORREST S. DRUMMOND [Los Angeles County Law Library, Los Angeles, California]: Madam President, I move that the committee report on Index to Legal Periodicals be published in full for the reason that it is impossible really to cut it down.

PRESIDENT FARMER: Is there a second?

MR. JULIUS MARKE: I second the motion.

PRESIDENT FARMER: Are there any other similar motions that we could act on at the same time?

MR. EUGENE M. WYPYSKI [Fordham University School of Law Library, New York]: The newly formed Committee on Statistics and Directory was engaged in two ventures in the last few years, one of them the results of which you have all seen the last week, and I hope you all have copies in your folders. The second part of the work of the committee was the preparation of a statistical survey. We received results from 27 per cent of the libraries solicited in the directory. The results have been analyzed and prepared in a report of about sixteen pages in length in addition to a very comprehensive chart, and due to the length of this

report it was not printed in the mimeographed committee reports. I move at this time that the report be printed in full in the Law Library Journal.

MR. WILLIAM B. STERN [Los Angeles County Law Library, Los Angeles, California]: May I move that the report of the Committee on Foreign Law Indexing be printed in full. It shows the history of the first year of an important enterprise of the Association.

MR. FORREST S. DRUMMOND: I second the motion.

PRESIDENT FARMER: We now have before the house motions for the printing of complete reports of the Committee on Index to Legal Periodicals, the Committee on Statistics and Directory and the Committee on Foreign Law Indexing. Each of those motions has been seconded. Is there any discussion of any one of those committee reports?

The motion for printing in full the report of the Committee on Index to Legal Periodicals has been made and seconded.

All in favor please make it known by saying "aye;" opposed "no." It is so ordered.

COMMITTEE ON THE INDEX TO LEGAL PERIODICALS

The Financial Statement of the H. W. Wilson Company for the volume year 1958-1959, a copy of which is appended to this report, shows a much smaller cash payment to the Association than for the previous volume year. This drop in the net received was due to several factors: the continued inflationary trend in the costs of labor and materials, the increase in size of the INDEX due to expanded indexing, the publishing of twelve instead of eleven monthly issues in the volume year which was ended one month later than previously and the including of the indexing of a thirteen-month period in the bound annual cumulation instead of the normal twelve-month period. The forecast for the future is optimistic, however, because a larger part of the increase in subscription rates will be reflected in the 1959-1960 volume year billings and the year will contain the normal eleven monthly issues. The continuing increase in the number of subscribers also justifies an optimistic outlook. On April 1, 1960, there were 1,219 subscribers, an increase of fifty-four over April 1, 1959.

Last year, the Committee reported that improved equipment and methods would be employed to cut editorial costs, to make unnecessary the employment of additional clerical help for the editors and to permit a change in staff from two professionally qualified editors to one editor and one clerical person. The results of this attempt at increased efficiency are inconclusive. In the first place, the assistant to the Editor, who was hired in July 1959, stayed only a short time and her replacement was not found until October and then only on a basis of four days per week. In the second place, the Executive Editor was absent for an eleven-week period and the indexing was carried on by a temporary indexer under the supervision of Earl Borgeson. At its meeting on June 27, 1960, in Minneapolis, the Committee will review the problems of staff composition and indexing methods.

The questionnaire mailed to all subscribers to the INDEX TO LEGAL PERIODICALS on October 15, 1959, seeking information concerning interest in a recompilation of the first ten triennial volumes of the INDEX and in an exact reprint of the first nine volumes, which are out of print, produced results which were just about as expected. 1,100 questionnaires were sent out and 294 replies received. Of the subscribers replying, 163 were not interested in any type of cumulation or reprint; 93 indicated they would purchase an exact photoreprint; 70 would purchase a microcard reproduction (but usually if no exact reprint were offered); 51 showed interest in a mechanical-clerical cumulation with no reediting and 17 indicated some interest (mainly if the price could be brought down) in an expensive, reedited cumulation. The replies clearly indicated that real demand is for an exact photoreproduction of the first nine triennial volumes and the Committee is proceeding to get proposals from publishers for this type of reprint. It is expected that a

recommendation of a favorable proposal can be made to the Executive Board when it meets in Minneapolis in June.

The Committee, constantly aware of the dangers involved in the publishing of the INDEX TO LEGAL PERIODICALS by the Association, has given consideration to the possibility of having the H. W. Wilson Company or an established law publisher take over its publication. This is not a new idea and all previous attempts to find an interested publisher have failed, but the Committee feels that a new approach to the problem should be made.

Respectfully submitted,
Earl C. Borgeson
Charlotte C. Dunnebacke
Harrison MacDonald
John Henry Merryman
Harley A. Stephenson
William B. Stern
Forrest S. Drummond, *Chairman*

APPENDIX

FINANCIAL STATEMENT OF THE H. W. WILSON COMPANY

For the Volume Year 1958–59

Income

Subscriptions (Expirations to July 1960)		$37,626.00	
Sales of bound volumes		4,023.13	
Advertising		60.00	$41,709.13

Expenses

Printing by issue			
September 1958	$ 749.68		
October	522.29		
November	458.51		
December	497.18		
January 1959	1,151.99		
February	567.89		
March	508.60		
April	526.65		
May	1,030.36		
June	610.54		
July	633.70		
August	534.29		
August 1958–August 1959 (13 month cumulation)	3,441.42	$11,233.10	
Editorial work—re: cumulations		848.32	
Postage and Express		421.71	
Stationery and Supplies		782.25	
Commissions (25% of sales—Compensation for Business Management)		10,427.28	$23,712.66
Credit Balance			17,996.47
Add credit from 1957–58 report			32,100.24
			50,096.71
Less cash payment January 12, 1959			12,141.99
Credit balance, subject to reserves			37,954.72
Reserve for unearned subscriptions (Portion of current subscription billing having future expiration date)		25,836.50	
Reserve for 1958-59 portion of the estimated costs of 1958-61 thirty-seven month cumulation		2,402.00	28,238.50
Cash payment due A.A.L.L.			$ 9,716.22

The motion for the complete printing of the report of the Committee on Foreign Law Indexing has been moved and seconded. Is there any discussion?

All in favor please make it known by saying "aye." [Carried]

COMMITTEE ON FOREIGN LAW INDEXING

When Volume 1, Number 1 of the *Index to Foreign Legal Periodicals* was published in February, 1960, an old dream came true. With the aid of a Ford Foundation grant of $88,600 received in the summer of 1959, the Committee embarked on this publishing venture.

The Ford Foundation grant was based on a proposal made by the Association earlier in the year; in turn, this proposal was based on the Final Report of the Project for Studying the Practicability of Preparing an Index to Foreign Legal Periodicals to the Executive Board (March 1959, unpublished), proposing the publication of an Index to Foreign Legal Periodicals for an initial period of 5 years, in 3 quarterly issues per year, 4 annual cumulations, and one five-year cumulation. However, while the Association's request was for $119,528.00 subject to a refund of net subscription receipts, the grant excludes such subscription income which may be considered reasonably certain; in other words, the future of the Index depends greatly on its public acceptance and it would be erroneous to assume that the Ford Foundation grant would suffice to defray all our present and future expenses. If the public interest should prove insufficient, the future of the Index would be endangered.

The funds of the Index are administered by two bonded Trustees, William D. Murphy, Treasurer, and William B. Stern, Chairman, and invested, except for a checking account, in United State Government securities in accordance with professional counseling advice. The income from the investments is available for current expenses.

The Executive Board appointed K. Howard Drake, Secretary and Librarian of the Institute of Advanced Legal Studies in the University of London, as General Editor and an agreement for the publication and services of Mr. Drake was concluded between the Association and the Institute. Under this agreement, the Index is published by the Institute, in accordance with the principles as stated in the above-mentioned Final Report and in cooperation and with the advice and consent of this Committee.

The editorial staff consists of Mr. Drake and W. A. Steiner, Assistant Librarian, Squire Law Library, University of Cambridge, as Assistant Editor. The editorial work is done by them and additional indexing arrangements have been made by Mr. Drake with several law librarians and language experts in London, Leiden, and Aix-en-Provence. Some of these arrangements are of a permanent character; other arrangements are temporary in nature and are deemed emergency measures. For periodicals not available to Mr. Drake in Europe (at present, 25 in number), the indexing is done in the United States by the Committee Chairman or others, as the circumstances require, but active steps are taken by the General Editor to overcome this difficulty.

The printing and shipping arrangements are made by Mr. Drake after Committee consultation.

As a result of Committee requests, 103 periodicals are received by the Institute of Advanced Legal Studies free of charge. Negotiations for the free receipt of the other approximately 145 periodicals require further efforts; as the nature of indexes to legal periodicals or at least their cumulative nature is unknown in many foreign countries, our requests for free copies are frequently not understood; in some instances, the financial situation of the periodicals involved is so precarious that it is deemed difficult to provide free copies for indexing purposes.

In order to determine whether the indexers have the most recent issues available for indexing purposes, monthly lists of acquisitions have been furnished by the following libraries: Harvard Law School Library, Library of Congress Law Library, Los Angeles County Law Library, Northwestern University Law Library, and University of Michigan Law Library.

The Committee conducted its business during the year on the basis of 27 memoranda submitted by the Chairman. A list of periodicals to be indexed was adopted on the basis of a draft of such a list which had been prepared by the Director of the Project in consultation with the Foreign Law Committee. Changes in this list are due to changes in publication data and improvements

as suggested by members and index users.

A list of subject headings was prepared by the Committee Chairman. It is based on the list developed for the Index to Legal Periodicals, but the terminology has been changed so as to make it useful for an index which covers the law of all legal systems and countries. After its initial use, certain revisions of the list were made.

Indexing methods were developed by Mr. Drake, with Committee cooperation, and revised during the year. Periodicals are listed by combined letter and number symbols which appear in each issue.

Standards of inclusion and exclusion of entries and transliteration are those as outlined in the Project.

On the first page of each issue there is a list of the periodicals indexed. Following the title of each periodical there are symbols indicating the type of material covered by that periodical and also the law of a particular country of publication. Each issue also has a subject index, an author index, a geographical index, and a book review index. Aside from the geographical index, the format is similar to that used in the Index to Legal Periodicals; however, case notes are omitted because of their large number, lack of international uniformity concerning their contents and importance, and indexing difficulties. A classified subject index will be added as an additional feature.

Thousands of form letters were sent out for promotional purposes and sample issues were distributed. The promotional work will go on, particularly as the purposes of the Index and methods used therein are not readily understood by a large portion of potential subscribers and users.

The Committee decided on $25 as the annual subscription price; as a precaution, this price does not include a firm promise of furnishing the projected five-year cumulation. Subscriptions may be placed with William D. Murphy, Treasurer, American Association of Law Libraries, 2900 Prudential Plaza, Chicago 1, Illinois, and the Institute of Advanced Legal Studies, 25 Russell Square, London, W. C. 1, England. Six hundred dealers have been offered a 20 percent discount, but with a few notable exceptions, their response has been slow. One dealer, Oceana Publications, Inc., has generously waived the dealer's discount, and in fact furnished free mailing for our publicity matter.

At the time of the writing of this report, the number of subscriptions approaches the 200 mark, with 250 required under our budget for the first year. It is expected that the subscriptions will increase each year by 50.

A great deal of publicity work has been undertaken by the Committee, with the splendid cooperation of the Association's Publicity Committee. It would be amiss not to point out the great deal of work undertaken by Mr. Ernest H. Breuer, Chairman of the Publicity Committee, on our behalf. Publicity was given to the Index in articles and notes in numerous legal periodicals, bar associations and legal newspapers. Publicity work will require considerable effort in the future.

A budget has been prepared and will be submitted to the Association at the Annual Meeting. This budget is based on prior estimates, but varies from the latter in several respects. While printing costs have increased over the original estimate, the amount allocated for printing is less than estimated because the number of entries as previously counted under a cooperative effort was much higher than the number of entries established in actual indexing. This discrepancy between estimates and actual amounts enables us to attend to certain other matters and to produce a better Index than would have been possible otherwise.

The Committee looks into the future with confidence. It is hoped that side by side with the Index to Legal Periodicals, the Index to Foreign Legal Periodicals will be an Association accomplishment, "unique in nature and [promising] to be of worldwide importance and epochal in the literature of law," 45 A. B. A. J. (1959) 1295.

This report would not be complete without expressing the Committee's gratitude to those who have given so generously of their time for the Index. President Frances Farmer has frequently addressed her remarks and communications to Index matters. Treasurer William D. Murphy has handled financial issues with utmost efficiency. Mr. Breuer's promotional work has been described above. General Editor K. Howard Drake has applied his full energies and vast knowledge to Index matters, and his staff has furnished excellent assistance.

Respectfully submitted,
Joseph L. Andrews
Forrest S. Drummond
Frances Farmer
Helen Hargrave
Lilly M. Roberts
Kurt Schwerin
Ivan Sipkov
William B. Stern, *Chairman.*

The motion for the full report of the Committee on Statistics and Directory has been moved and seconded.

All in favor please make it known by saying "aye;" opposed "no." It is so ordered.[1]

Harrison MacDonald, Chairman of the Committee on Memorials, will make his report.

MR. HARRISON MACDONALD [New Mexico Law Library, Santa Fe, New Mexico]: The Committee on Memorials has reported the passing of three persons during the year just finished. They are Mrs. Frances Smith Greenwade, Librarian of the California Board of Equalization; Mrs. Mary Roalfe, wife of our former President, William R. Roalfe, and Matthew Bender III, President of Matthew Bender & Company.

Will the members please rise and stand a moment in silent memory of our departed friends?

[The assembly arose in silent prayer.]

PRESIDENT FARMER: I would now like to call on Julius Marke who is the liaison officer for the Committee on Federal Agency Activities.

MR. JULIUS MARKE [New York University Library of the School of Law, New York]: As liaison officer on the Executive Board for the Federal Agency Activities Committee, I am in receipt of a letter from Lillian McLaurin, who is its chairman. The law librarians of Washington are very much disturbed and apprehensive of the report which is going to be published very soon entitled *Survey of Federal Libraries.*

This report as you probably all know will be rendered by Dr. Luther Evans who has been working with the Brookings Institution to make a recommendation to the Council of Library Resources—rather, it is the reverse. It is the Council of Library Resources that has sponsored this work, and the Brookings Institution will publish this report.

Dr. Evans apparently has a peculiar concept of law librarianship, and he believes that there is no necessity to have a Federal agency with a Federal law librarian attached to it. It is a simple matter, he says, to have the activities of a law library that may possibly take place in the law library, take place in the general library, that a reference librarian could be assigned just to take care of the legal problems that may arise.

Now, of course, this is a very disturbing proposition and goes against —in fact, it is practically a direct blow to our own plans and our own concept of the profession. Now we must take some definite stand on this.

Dr. Evans' report will have no official standing except as a report to the Brookings Institution and Council. However, Dr. Evans has stated he intends to write articles for publication in leading scholarly periodicals and library journals and have bills introduced into Congress to implement his recommendations, and I am sure he will hold himself out as an authority on all kinds of problems in the law library field. Consequently, the law library profession will find itself battling with him and his ideas for a long while to come.

The local group down at Washington is very much disturbed by this and

[1] To be printed in the February issue.

would like the Association to take some action in this particular conference which will arise very soon. Of course, it will work in its own field and do everything possible. There are certain lines of activity that have been recommended, and there are four suggestions recommended by the law library group in Washington. Make strong and vigorous protest within a week after the Evans preliminary report is released by Dr. Evans to the Brookings Institution and the Council of Library Resources, Inc. See that protests are made from Government administrators, outstanding law librarians in and out of Government, lawyers, law school professors and deans. Have authors designated to write critical articles in journals and periodicals as soon as the preliminary report is released. Give consideration to how any legislation in line with Dr. Evans' recommendation can be fought.

I know there are some people here from the Washington group. They may have something more to add to this. They know more about it.

This letter, of course, suggests the problem which has been created by Dr. Evans' line of attack. It will be an attack and will have to be met. We have had some experience with Dr. Evans here on one occasion in 1948 which some of you may remember, and I suggest to you that it will be a serious attack. It will be a well-trained one, well-planned, and we will have to meet it. Our cooperation should definitely be given to the law library group in Washington because it will in a sense affect the entire law library profession.

MISS FENNEBERG: How will we know when it is released?

MR. MARKE: It will be released publicly. The law libraries in Washington are familiar with it. The comments have been made public. This is how they know about it. I suggest if you have any plans here, that they be made public at this point as to what to do. For example, if you have certain contacts with the proper Government officials this can be utilized. If you are in a position to write an article, you should write that article. This is really the defense of your law library profession. This is the defense of the autonomy of the law library.

MR. ERVIN H. POLLACK [College of Law Library, Ohio State University, Columbus, Ohio]: Madam President, at the meeting yesterday the Executive Board moved to address a communication to the Brookings Institution expressing our concern over the forthcoming Government study as projected to us. We wanted to inform the entire membership of the activity of the Executive Board.

PRESIDENT FARMER: Are there any other comments, suggestions, or directions to the committee, or are there any motions for the membership?

MR. DRUMMOND: Madam President, I wanted to ask Julius Marke one question. When you suggested if anyone had a chance to write an article or something, you don't mean just on their own. Shouldn't it be coordinated through you or someone else?

MR. MARKE: Definitely it should be coordinated through the Washington group, if necessary. I was asked personally by Madeleine Losee to write an article of my own or to request

some of our people who are in a position to write and are interested in writing to take up the cudgel and really get at it.

It will be a well directed attack. It will have the backing of the Brookings Institution. I am sure that the Washington group is going to do very much about it, and there are at least five or six of us in this room today who are in a position and have background to really develop this attack, and we should—if you wish, you can coordinate it through me. I should be very happy to help in any sense. I would like to see what the report is going to look like, of course. Then we can work on it.

Dr. Werner B. Ellinger [Library of Congress, Washington, D. C.]: As editor of D. C. Libraries, the official organ of the District of Columbia Library Association, which is comprised mostly of non-law librarians, but to which most of the Government librarians in Washington belong, I should like to offer the columns of this journal to any well documented article in this controversy, preferably perhaps by a non-resident of Washton.

Miss Margaret E. Coonan [University of Maryland Law School Library, Baltimore, Maryland]: I perhaps missed a little of Julius' remarks, but I suggest that not only we, the members of the profession of law librarianship, but that the members of the AALS, the Association of American Law Schools and the ABA be alerted to this measure, and perhaps Mr. Hervey and men like that could write in the Journal of Legal Education and the ABA Journal. I think those would be even more effective speakers. I presume that is planned.

Mr. Marke: It was suggested in the recommendation that deans of law schools and members of the bar be brought into the attack.

Mr. Lawrence Keitt [Librarian, Law Library of Congress, Washington, D. C.]: I suggest what I assume will be done anyway, that the Federal Bar Association be brought into this most vigorously.

Mr. Marke: That is a very good suggestion.

Mr. Keitt: I will do what I can to interest them.

President Farmer: Are there any other comments?

If not, we will now pass to the report that comes to us from the Advisory Committee on Anglo-American Law. As you may know, several of our members have been serving as members of this committee, and others of our officers have been serving in the capacity as auditors or consultants to this committee which has had two meetings during the past year.

Mr. Rutherford D. Rogers, the Chief Assistant Librarian of Congress, has submitted a report to us to be read at this time, and President-elect Helen Snook, will now read Mr. Rogers' report.

President-Elect Helen Snook: [Reading the report]

"As members of the Association will recall, Mr. Lewis C. Coffin, Associate Director of the Processing Department, reported at your annual meeting in New York in 1959 on the status of the library's work on the development of Class K, the classification schedule for law. One of the principal events which Mr. Coffin brought to your attention at that time, was the formation of an ad-

visory committee for Anglo-American Law, a step we were enabled to take by means of a grant from the Council on Library Resources. The Librarian of Congress appointed several members to this committee on nomination of the president of your association. The purpose of the present report is to recount the activities of the Advisory Committee during the past year.

"Two meetings were held; the first one December 3-4, 1959, the second on May 11-12, 1960. As you can imagine, it has not proved possible to set dates for these meetings that will meet the schedules of all the members outside of Washington; this was true especially of the second meeting. In addition to members, however, we had the benefit of the presence as consultants at both meetings of Mr. Pollack; of President Farmer at the first (illness unfortunately preventing her attendance at the second); and of Professor Lawrence Friedman, Assistant Professor of Law at St. Louis University at the second. Through the good offices of Mr. Schwartz after the first meeting, Professor Friedman undertook to study the working papers on English and American law.

"At the first meeting, after consideration of the general structure of the schedule for American law, there was substantial agreement concerning the organization of the subject matter. The committee then made a detailed examination of the divisions and subdivisions, and especially of the alternatives and other questions which had been presented in the Working Paper. The decisions were incorporated in a revision of Working Paper No. 9 which was submitted to the members and consultants.

"During the discussion, the advisability of classing by jurisdiction certain parts of the substantive law of the states was questioned. Several members indicated a preference for keeping the material with general United States and Federal Law. The Library has examined this problem in the light of the needs of its Law Library. With the possible varying needs of other libraries in mind, consideration will be given to the provision of alternative places for the material.

"The agenda of the second meeting anticipated a brief resumé and discussion of the revised outline of Working Paper No. 9 (Law of the United States) and a detailed discussion of the proposals of Working Paper No. 6 (English Law), which had not yet been considered. In the interval, Mr. Friedman had reviewed No. 6 and sent us extended comment on it, and copies of these comments had been furnished to members and consultants.

"In the course of the meeting, Messrs. Price, Pollack and Friedman—perhaps in part on the basis of the latter's comments on Working Paper No. 6—made a number of new proposals relating to the classification of the law of the United States, some of which affect the basic structure of the classification scheme. As a consequence, the discussion of these proposals took up the major part of the meeting. Only minor changes were suggested in Working Paper No. 6 (English Law), whose structure parallels that of No. 9.

"Professor Friedman volunteered to rearrange the order of the topics in Working Paper 9 in accordance with the new proposals, and this revision he has already sent us. We shall submit these proposals, together with the minutes of the meeting, to the members of the committee and consultants for consideration.

"A consequence of the second meeting will be a more extended review of the two Working Papers than had been expected would be required at this stage. Nevertheless, we hope that at a third meeting of the Advisory Committee to be scheduled before the end of 1960 final consensus can be reached on the structure of the schedules for Anglo-American Law.

"In conclusion we remain of the opinion expressed in Mr. Coffin's report of a year ago: 'We believe that the committee's deliberations will lay the ground work for what we hope will be the next phase of the project, that is, the final development of the schedule. For this phase substantial additional foundation support would have to be sought.'

"(Signed) Rutherford D. Rogers

Chief Assistant Librarian of Congress; Chairman, Advisory Committee on the Development of a Classification Schedule for Anglo-American Law."

PRESIDENT FARMER: Thank you, Miss Snook.

We will now hear from Helen Hargrave, Chairman of the Policy Committee.

MISS HELEN HARGRAVE [Librarian, University of Texas, Austin, Texas]:

The Policy Committee study, as you know, from the annual report was divided into two parts. Miss Finley and Miss Snook have done very comprehensive work on certification. That part of the report will be submitted to you at a later date after the panel on certification.

The work on qualitative standards for law libraries so far has been confined to law school libraries as there is urgency in that area.

We have sent questionnaires to all of the law school librarians to secure information which we hope will be compiled into adequate qualitative standards for libraries.

The Association of American Law Schools has made an excellent study of standards for law libraries. Dean Keedon at Texas as President-elect of the Association of American Law School knows about our study as he has been consulted several times about the information that that Association would like to have on standards, and he is enthusiastic that our Association is making this study.

He hopes that our approved recommendations will be submitted for adoption at the time the standards recommendations are made by the AALS Committee.

Next year the Policy Committee will be under the chairmanship of Frances Farmer and will continue the work done this year.

PRESIDENT FARMER: At the Executive Board Meeting yesterday there were three names submitted to the Board for life membership in the Association. This matter must come before the membership generally to be voted on at this time.

The Board recommends, therefore, to the membership that the following people be named to life membership:

Bertha Moot, of the Cornell Law Library.

Dennis Dooley, Massachusetts State Library.

Emily Drummond, from the Temple Law Library.

Do I hear a motion?

MR. JULIUS MARKE: I so move.

DR. KURT SCHWERIN [Assistant Librarian, Northwestern University School of Law]: I second the motion.

PRESIDENT FARMER: This is a motion that these three individuals be voted to life membership in the Association. It has been moved and seconded.

All in favor make it known by saying "aye." [Carried]

Before concluding this morning's business session, I should like to acknowledge the great amount of work that has been done by the officers and the committee chairman this year. Everyone commenced working very hard last September, and they have consistently plugged at their various jobs throughout the year.

One of the chief accomplishments this year has been in the field of publications, and I am sure you all have been interested in receiving the first two numbers of the AALL monograph series that were published under the direction of the Committee on Publi-

cations with Pauline Carleton as Chairman, and then in February appeared the first number of the Index to Foreign Legal Periodicals, that work having been done under the chairmanship of Bill Stern.

I have been in the Association for something over twenty years, and I have never been aware of any other piece of work that has required the concentrated effort and the tremendous task that has been involved in getting the Index to Foreign Legal Periodicals under way. This has been the task principally of one man, and I feel that he should have an especial acknowledgment for the great job that he has done for us. I would like to pay tribute on behalf of the officers and the Executive Board to Bill Stern at this time. I am inclined to think that the membership would like to acknowledge that job as well. Bill, would you stand?

[The assembly arose and there was sustained applause.]

MR. WILLIAM B. STERN [Los Angeles County Law Library, Los Angeles, California]: This comes as a complete surprise to me. I think often times there is actually one person here who more or less talks herself down, and that is our President. She did most of the work during the year.

We of the Committee on Foreign Law Indexing could not have done the work without the support of everybody. Certain people have to be mentioned in this such as our President. Also, Mr. Breuer, who in his capacity as Chairman of the Publicity Committee has gone way beyond the duty of the chairman and has helped us in getting our work done. We also have committee members like Mr. Andrews who has done a tremendous amount of work. Perhaps I should not mention particular names because it would be unfair to the other members, but I would also like to mention Mr. Drake who has most energetically and industriously worked on the project.

Actually, it is a big project, perhaps bigger than we thought it might be.

We have been in consultation with the publishers. We are headed toward our goal.

I must mention Bill Murphy. There has never been a lapse of more than twenty-four hours that we haven't had an answer from Bill Murphy. I think it is the most wonderful cooperation we have had.

So we have had our share of problems which we expected. Of course, we had some problems we didn't expect. We expect to have some more problems. At first we were informed about the small number of subscriptions. With hard work we reached our quota for 1960 which we must have in order not to go broke, but we want to have more subscriptions. I have received several letters stating that surely after five years the Index will be self-sufficient, but I can tell you right now unless we have many more subscriptions it will not be self-sufficient, so we are working on that problem.

We just made an arrangement with the United States Department of State to distribute information about our Index abroad, and the Department of State has offered to distribute 255 copies together with explanatory letters to the diplomatic agencies of the United States abroad.

You might wonder why this is necessary. We have had an experience which we hardly expected. You know, being foreign-born I thought I knew quite a bit about the foreign atmosphere, but we suddenly ran into the situation that despite all explanations which are printed on the inside cover of the Index, many people do not seem to understand what the Index to Foreign Legal Periodicals is. We have to explain it to them, so we have to make the Index acceptable all over the world.

I have spoken far too long. You can see that I live and sleep the Index, so I want to thank all of you in the name of all those who have worked on it. Thank you.

[Applause]

PRESIDENT FARMER: This concludes the agenda that had been set up for this morning's session.

[The meeting recessed at 10:40 o'clock.]

MONDAY LUNCHEON SESSION

June 27, 1960

The Opening Luncheon Session convened in the Minnesota/Illinois/Michigan Room with Miss Frances Farmer, President, presiding.

Seated at the head table were Mr. James Kelly, Mr. Dillard Gardner, Miss Dorothea Blender, Mr. Julius Marke, Chief Justice and Mrs. Robert P. Dell, Mrs. P. Kenneth Peterson, Dean Stephen Curtis, Judge Gunnar H. Nordbye, Honorable James D. Bain, President-Elect Helen A. Snook, Mr. George A. Johnston, Mrs. Margaret S. Andrews, and Mr. Howard M. Adams.

Mr. Dillard Gardner pronounced the invocation, after which President Farmer presented Dean Curtis, who introduced the principal speaker, Judge Gunnar H. Nordbye. Judge Nordbye's address was entitled From Attic to Court; the Lewis-Clark Papers.[1] *Mrs. P. Kenneth Peterson welcomed the assembly in the name of her husband, the Mayor of Minneapolis, Hon. James D. Bain and Chief Justice Dell greeted the delegates on behalf of the Bar and Bench. Mr. Johnston responded on behalf of the Association.*

MONDAY AFTERNOON SESSION

June 27, 1960

The afternoon session convened at 2:45 o'clock in the Iowa/Wisconsin Room with Miss Helen A. Snook, Librarian, Detroit Bar Association Library, presiding.

CHAIRMAN HELEN A. SNOOK: The prepared introduction for this panel appeared in the May issue of the Law Library Journal under the title of "Cooperative Effort in Cataloging."

My purpose in putting it there instead of giving it to you now was to enable these panelists to devote a maximum amount of time to the principal matter of the panel. For the benefit of those, however, who may not have read their May issue and for those who may not have been at the Boulder and the Grossinger Institutes, I will recap briefly, and will read the first paragraph of the prepared introduction which was in the Journal.

[1] Lack of space prevents publishing here. It will be printed in a forthcoming issue of the Journal.

"Consider what our present day modes of transportation might be if, long ago, the Model T had not started putt-putting along rutted dirt roads, but instead, had kept the world waiting for the perfecting of the Thunderbird and superhighways; or if the Wright Brothers had not ventured up at Kitty Hawk, awaiting the development of jets and space ships. With their modest beginnings, plus the experiments and experience accumulated along the way, we have had the use of the originals and all intervening models these many years.

"So it could be with a cooperative effort in the cataloging of certain legal materials. Modest, and with many 'bugs' at take-off, cooperative cataloging could provide a useful and practical service to many libraries both large and small, while experimenting and expanding."

Cooperative cataloging has been mentioned a good many times both before and since the Boulder Institute, but there interest became so enthusiastic as to crystallize into the form of a resolution.

The minutes of this Association indicate that Howard Klemme, then law librarian at the University of Colorado, brought the matter to the floor for discussion, and that it was passed unanimously by the 56 registered members of the Boulder Institute. I will read the resolution which they passed.

"In view of the great interest shown at the Law Librarians' Institute in cooperative cataloging and classification of law books, the Institute recommends that the committee be instructed to explore costs and procedures necessary for the establishment of a central agency to catalog and classify legal materials and to produce and distribute cards, and that a request for funds to undertake this project be submitted to the Executive Board."

For various reasons no action was taken at that time by the Executive Board, and since then the entire energies of the Committee on Cataloging and Classification have been funneled into this project of the subject headings on which you heard a report this morning.

Last year at the Institute at Grossinger's, Dr. Maurice Tauber's remarks rekindled all the Boulder enthusiasm when he urged us to consider cooperative cataloging as potent cost-cutting possibility by minimizing the great duplication of effort presently existing.

The ranks of law catalogers is much too thin for the needs of this profession, and yet I understand many, many libraries are not fortunate enough to have a cataloger or a cataloging staff, and yet amongst those who do, there is often great duplication of effort when the cataloging extends beyond the scope of the Library of Congress product. So that something was needed to fill that gap.

Early last fall, Frances Farmer raised the question of the advisability of a conference with Dr. Tauber in New York. It seemed at that time that his counsel might be used to best advantage if before we conferred with him we could have done a bit of exploring on our own and come up with some kind of a proposition that we could put before him to assess.

Last December this panel was planned, and it was decided then that rather than delay any start in this direction we would make some sort of a beginning and inaugurate some line of service. Analytics seemed to be the best area for a start.

In starting from scratch to build any kind of a store of cards, contributions, of course, will be needed from a great

many catalogers. Strangely enough the chief contributors to any such adventure are going to have to be those who are least likely to feel any possible need for such a service, and perhaps even to think it is quite an absurd idea. But a willing spirit of cooperation has been characteristic of this membership. They help one another and cooperate in a good many areas.

They often volunteer their services, so we are not looking for too much trouble even though it may be that with great skepticism and tongue in cheek they relinquish some of their cards, but in the field of cataloging that kind of cooperation has been particularly outstanding in the Chicago area.

There Charlie McNabb has had much to do with it. He has served as head cataloger for their Union Law Catalog since 1940. Charlie is one of our three-degree men. He has a Bachelor of Philosophy, Bachelor of Library Science and J. D. degrees. He served the ABA as a member of the Library Services Committee of the American Bar Foundation, and he has been a frequent contributor to periodicals. Whenever Charlie speaks his words are well worth listening to, and Charlie, it's your turn right now.

[Applause]

MR. MCNABB: Anyone who has ever perused Francis Hopkinson's Miscellaneous Essays and Occasional Writings only to find that volume 3 also has his Admiralty Decisions in the appendix, may well wonder which is the more important. Finding Vanderbilt's Studying Law containing reprints of several previously published, but out of print essays by different authors, cataloged by L. C. as a group only, without analytic note or added entry raised a question. How many libraries had never had the originals or had lost them, and if the cataloger had not analyzed them, should the reference department have done so mentally or otherwise?

Has anyone ever wondered at the cards for the Reporter System furnished by L. C. without so much as a nod to the contributing authors, all of whom are sovereigns in their own right? Whether anals or A. E.'s are in order is a moot point, but something is needed.

There is very little doubt, but that a great deal of material passes through our hands and on to our shelves, without any proper record or any other means of retrieval than accident, published bibliographies or the memory of man, and that all of these together leave some gaps.

Analytical cataloging is not new, nor is it confined to card catalogs. The old book catalogs analyzed everything in the library, including American and English Encyclopaedia, The Encyclopedia of Pleading & Practice, and many of the large sets. Even the 1909 Harvard Catalog carried a certain amount of Analytics!

We have abandoned that practice with the growth of libraries and the advent of the card catalog, along with the development of better indexes, digests and word approaches to the encyclopedias and annotated cases. Most administrators take a dim view of any kind of cataloging, and particularly of the finer points of the art; but reference librarians as a rule cannot get enough of it. It sounds silly to most

catalogers, who can retreat to their card-filled dungeons and practice their occult science, without ever being subject to the rigors of the reference desk. How could they know that even today, engulfed in a flood of books, there are great gaps in current subject coverage, not included in the *Index to Legal Periodicals,* or anywhere else!

How could they know that 50% of practicing lawyers and 90% of students are surprised to be reminded that the latest and best discussion of some topics are to be found in *American Jurisprudence* or *American Law Reports* or some unindexed Institute proceeding or that the authority on "Seal & Consideration" is in the *New York Law Revision Commission Reports.*

This is the material we are talking about. The essay type multi-volume text *American Law of Real Property* and many others are included. Whether or not it should be covered by analytics in a catalog, by lists, bibliographies, or notes in a reference librarian's notebook, is one of the questions for debate apparently. The cost, the size of the catalog, its complexity and the needs of a reference librarian are constantly advanced as objections. Admitting all these things, it is only fair to point out that cataloging an item is a one time thing, while not cataloging it may be perpetual. Lists, bibliographies, and notes while valuable and in constant use, require some acquaintance, and may become so numerous and so complex that no one but the head reference librarian is acquainted with them all. A catalog has only one alphabet. A well known library was persuaded to start a card catalog in the first place by the sudden realization that its combination librarian, reference librarian, cataloger and general know-it-all, was only working 50 out of the 81 hours the Library was open. Obviously his assistants were less copacetic. If that were not the case, then, of course, the argument falls.

Most research in a practitioner's library is of the "instant law type" which must be done before court convenes for the afternoon session, or before leaving, as it is needed in a brief to be filed that afternoon. Mislaying a bibliography may be disastrous, and there is always the possibility that some assistant will charge it out. Commenting sidewise, it is axiomatic that most bibliographies should be analyzed more thoroughly than other books, and some such record should be in the catalog.

The two gentlemen reliably reported as being behind the suggestions for this program, have denied responsibility, but have not refused comment. Both of them advanced the objections stated above, and in addition were guilty of the heresy of questioning the efficacy of the currently used dictionary catalog. One of them was even so bold as to suggest a book catalog, in a way to suggest that his mail may be censored, and his room tapped by the Catalogers & Classifiers Institute.

As for doing it cooperatively, everyone in authority has denied that it could be done. This means that the fifty-six registered members of the 1957 Institute who signed the resolution failed to make the "400." It bears out Mohammed's advice of not trying to sell a new doctrine at the exit of a banquet hall.

Ranganathan, who proposed that if changing practices were too cumbersome and costly, new practices could be applied to new books, while the old could be left alone, and eventually by a process of osmosis the most used material would be done right.—

> "The Method of Osmosis suggested itself to the author while visiting many aged libraries during his tour of Europe and America in 1948. The pathetic look of the younger members of the cataloguing sections of big libraries caught his eye. They were internally revolting against having to use catalogue codes of earlier centuries. But their chiefs, who had given up active cataloguing and active reference service and had become more administrators and committee-men, did not have the time or the willingness to understand the urge of the juniors to change over, in order to make library service real. Or, cataloguing was, in some places, done by the old guards in whom mental fibrosis had set in and who did library cataloguing without any awareness of the latest thought on library service or sensitiveness to the social changes since the time their codes were framed."
> —And that seems to cover every one.

Now that I have made many new friends, I would hasten to add that I am no starry-eyed believer in cooperation for its own sake. It seems to me that critics of this program envision or fail to envision the need, or the working of the machinery to accomplish it. The *Union Law Catalog* in Chicago was possible only because two of the institutions involved felt a great need for better cataloguing of their institutions first, and of the area second, while the proponents had reversed the objects. The other two, feeling much more self sufficient, entered the project more as a contribution to area cooperation, than as the answer to their own problems. The benefits derived from the "Catalog" have been and continue to be where the need is felt.

One of the purposes not mentioned in the prospectus of the *Union Law Catalog,* was cooperative cataloguing. There is not a law catalog in Chicago, and they are growing in numbers, that is not in some way beholden to the *Union Law Catalog.*

That is not to say that all of the cooperating members have benefited, equally, but each according to its need. Catalogs of other libraries in the area, school, university and office, to say nothing of the *Chicago Bar Association Catalog,* owe their existence to the *Union Law Catalog.* Currently a 300 entry office catalog is being set up by Verifaxing the entries 5 to a sheet or 2¢ per entry. No book old or new is cataloged in the Chicago Bar Association Library without checking the *Union Law Catalog.* It is easier that way, and anyone else is welcome to the service.

There is no assumption that the *Union Law Catalog* has ever reached its potential or that it ever will, but it is very useful to those who avail themselves of it, and these are continuing to grow as it is introduced to more and more people. Many of our users consult it in the normal course of research. There are many other cooperative cataloguing ventures, such as *The National Union Catalog,* several Bibliographic Centers, and even the Card Division of the Library of Congress that suffer the same fate, either through lack of information about it or just plain inertia. We have no intention of adding another and are looking to you for an expression of the demand.

It seems to be the common reaction, whenever cooperation is mentioned, to envisage a sort of togetherness, and instinctively shy away from it. But the way it has worked out in Chicago more nearly fits the definition in the Holmes Burglar Alarm Case.[1] "The term cooperation . . . does not mean acting together, but united to a common end."

Most of the pressures for cooperative cataloguing stem from the "something-for-nothing" lure, and it should be remembered that even to the recipients, it is not all profit. It may be that the administrative machinery to handle the project could be almost as much trouble as doing the cataloguing yourself. The information now required, in addition to the checking, back-ordering, waiting and the limited success in locating cards for certain types of materials, have taken most of the profit out of ordering L. C. cards. The days of submitting lists of numbers only is gone.

Conversely, cooperation pre-supposes contribution by all or most of the participants. You may be asked to catalogue some set in your library and submit cards to the pool or make the information available in a useable form.

In his *Apology,* Bunyan admitted "And so I penned it down, until at last it came to be, for length and breadth, the bigness which you see." So let it be with this project. The world is full of starry-eyed projects with glowing prospects and elaborate machinery which have faded because the need was not felt or its services were not requested. If the need is really present, a way will be found to satisfy it. So far as this project is concerned, only a start is proposed, small if need be, with the procedures tailored to fit the demand. With today's facilities for duplication, this should be no problem.

I am not at all impressed by the difficulty of getting catalogers to agree on anything. I have lived with it for twenty years, and have done my share of editing the work of others, particularly in the interest of uniformity. My first experience concerned the head of one of our large library cooperators, who did the subject assignments for his catalogue. I found he had used seven variants of one subject, and gave as his excuse that if he "used only one form, there would be too many cards under it, to the discouragement of the users, and this way, no matter where they looked, they could find something."

So I know that no matter who does the cataloging of the analytics many users will want to edit them.

So far we have considered only one phase, cataloguing by individual libraries and distribution. The publishers of *Colliers* are now furnishing printed card analytics for a nominal price for the *Harvard Classics*—594 cards. Maybe others can be persuaded to do the same.

When I started this project, everybody told me it couldn't be done. I am not sure whether I can do it either and I thought I would like to end with this little couplet.

"They told him it couldn't be done.
That if he started he'd rue it
But they never said he was the one
Above all who couldn't do it."

[1] 42 Fed. 220.

CHAIRMAN SNOOK: There is just one thing I might want to say. I don't think Charlie or any of the rest of us should be discouraged in starting it because there isn't the demand. You may come up with a real good idea that nobody is going to know about until you start showing them how perfectly wonderful it is. A good example of that is scotch tape. There was no demand for that either, until it existed.

Nancy Miller is actually a newcomer as a member of the Association of American Law Libraries, and yet actually needs very little introduction. She has been what you might call a friend of the law libraries for quite a long time. In the early years of the life of the Ohio Association of Law Libraries she appeared at one of our fall institutes as a lecturer on cataloging. At that time she taught cataloging at the Kent State University Library School which is near Akron. Her presentation of the subject of cataloging at the Ohio Institute was sufficiently outstanding that when Erv Pollack and Bob Roalfe co-sponsored the 1955 Institute in Chicago they asked Nancy Miller to be one of the instructors in cataloging at that institute.

Last fall Nancy Miller accepted Erv's invitation to join the staff of the Ohio State University Library. She joined it as Assistant Librarian in Charge of Technical Services. We are certainly grateful to Erv for making her one of us. We are grateful to Nancy for all she has done in the past for AALL and will do in the future now as a member, and what she will do right now as a member of this panel.

NANCY MILLER: It is with some misgivings that I participate in this discussion of analytics. Ten months of cataloging in a law school library have not made me an expert; nor provided time for extensive analytical cataloging. In fact, other aspects of cataloging have taken precedence over that of analytics. An examination of the reports of academic libraries, to which we have access, indicates that perhaps others, also, may have deemphasized analytics, in the interest of reclassification and the cataloging of foreign and research materials. For librarians of associations' or law office practitioners' libraries, analytics may seem the answer to the retrieval of vital information which lies buried because of inadequate cataloging, indexing, or abstracting.

Until last August I was the so-called "garden variety librarian," fairly well versed in the fundamentals of cataloging, but with little knowledge of legal history and little experience in legal research, other than finding answers to the general legal questions which come across the reference desk in a public library. Since August I have been examining law books, classifying them according to the categories which our library has devised for Anglo-American treatises and foreign materials and cataloging them thoroughly so that there will be a record to those aspects by which library users, as well as reference and other librarians, identify books and materials in the card catalog; *i.e.*, by author, joint author, editor, distinctive title, series and subject.

I have inherited arrears and examples of simplified cataloging, whereby

many monographs and pamphlets are unidentified by author, title, or specific subject. Consequently, occasionally titles are duplicated because the material has not been fully indexed. A bibliography of recent books listed the *Public Papers of Chief Justice Warren* under the editor, Henry M. Christman. The Library of Congress did not feel that the editor's contribution merited an added entry card. My failure to make an added entry card for the editor and the assistant's failure to check under Warren's name might have resulted in our ordering and returning a second copy of the book. The failure to make an editor card seems a minor defect in a card catalog. Yet omissions of "key" entries lessen the effectiveness of the card catalog as an index of the library's holdings, or as a retrieval of a particular bibliographic entity.

As a cataloger, not as a reference librarian, I am examining materials from the standpoint of their bibliographical identity and bibliographic history. For example, we have noted on the cards for Morris Ginsberg's *Law and Opinion in England in the Twentieth Century* its relationship to Albert Dicey's *Laws and Public Opinion in England during the Nineteenth Century*. I have analyzed parts of books, only when those parts contain information seemingly unusual for the type of book in which they appear. (Notable examples of such analysis are independent works bound with another.) Recently in examining an older title, that of Robert Jones' *A History of the French Bar, Ancient and Modern, comprising a Notice of the French Courts, their Officers (Practitioners, etc. and of the System of Legal Education in France,* we discovered John Charles Bucknell's essay on *Unsoundness of Mind in Relation to Criminal Acts,* the latter, in subject matter, somewhat alien to the history of the French Bar.

Catalogers generally weigh the merits of analytical entries from the standpoint of the kind and size of the library, as well as the uniqueness of the item. The *A.L.A. Glossary* defines an analytical entry as:

> "the entry of some part of a work or of some article contained in a collection (volumes of essays, serials, etc.) including a reference to the publication which contains the article or work entered."

The librarian of a small library with limited material on a subject might note all the material on vicarious liability contained in books, or collections of essays, while the cataloging department of a larger library might ignore such contributions, reasoning that the catalog entries for books and pamphlets on that subject or the *Index to Legal Periodicals* would lead the enquirer to sufficient material on the subject. On the other hand, the reference librarian, who recognizes the timeliness of the information, its difficulty to ferret out, or its uniqueness for the particular library, may ask the catalog department to prepare an analytical entry or entries, or make his own special index for the reference desk.

The general library field is probably supplied with more special printed indexes than is the law library field. Nevertheless, there are relatively

few reference departments which do not maintain their own special indexes. As reference librarians examine new books, magazines, pamphlets, they either make a mental note of the information, or ask the catalog department to analyze the item, or they index the item for their "Ready reference file." Such a ready reference file is maintained in the New York State Library and is described by Miss Elizabeth Holt in her article of "Reference Records" in the May 1959 *Law Library Journal*. In that article she mentions that the Biddle Law Library at the University of Pennsylvania does not keep reference records, but does have a few analytical entries in the catalog.

Library service is enhanced by close cooperation between the reference and/or circulation and the cataloging departments. The catalog yields information up to a certain point. Beyond that, librarians will refer patrons to bibliographies, periodicals, checklists and special indexes to supplement the catalog as the index of the library's holdings.

Reference work would be simplified immeasureably if there were one index for all legal materials—an index compact, easy to use, and easy to interpolate additional entries. A small library may endeavor to enlarge its card catalog so that it approaches an "all-inclusive" index, while a large library may lament the size of its catalog and the difficulties students encounter in using it. A typical criticism of the card catalog is this comment by a prominent law librarian:

> "What we are actually doing is making the card catalog so technical that we are driving the reader away from it. It is a known fact that those using the libraries go directly to the reference librarian."[1]

He doesn't explain what he means by the technicalities. Perhaps he refers to the details of full cataloging, which to a trained reference librarian may provide the clues to the inclusion of material. Perhaps he refers to the complications of filing the multitudinous corporate and form entries. But it is quite clear that he takes a dim view of the "garden variety librarian" turned law cataloger when he asks "At what point does the evolution of a general cataloger into a law cataloger take place? At what point do we feel that the training has been reached or developed that the librarian in charge can have confidence in the work that is being produced?"[2]

Since I am not certain that the metamorphosis has been completed in my case, I hope you now understand my reluctance to discuss analytical cataloging. Moreover, an examination of the literature on law and general cataloging indicates no agreement on the merits of analytics. In fact, the literature contains suggestions for reducing the size of the catalog. A notable example is the suggestion made at the Grossinger's Institute of converting the *Legislative Research Checklist* into a cumulative subject index of state legislative studies. One academic law library reported in 1956 on its progress in reducing the size of its public catalog. The administration felt that the development of other bibliographic means of access had made pos-

[1] 45 *Law Library Journal* 341 (1952).
[2] 45 *Law Library Journal* 339 (1952).

sible the withdrawal of a great many analytical entries, especially for U. S. treaties.[3]

An examination of the history of cataloging reveals that the question of analytics has perplexed librarians from the fifteenth century to the present day. With the increase of printed and all forms of recorded information, the library is faced with the problem of the identification, recording, storage, recall of the intellectual content of that material in relationship to the specialized needs of particular users. The familiar "sieve" and the sifting process have been used to illustrate the library's method of indexing and recall. The cataloger initiates the sifting process with his relatively "coarse" sifting of materials in terms of authors, titles, subjects.

As early as the fifteenth century, the librarian of St. Augustine's Abbey in Canterbury recognized the need for a finer sifting of material than that provided by the ordinary cataloging entry. He met the need for analytical and bound—with entries by the use of cross references. Two hundred years later Thomas Bodley and Frederic de Rostgaard included suggestions for analytics in their cataloging rules. There is evidence, however, that the librarian, Thomas James, frequently failed to carry out Bodley's wishes regarding analytics.[4] At the end of the seventeenth century, Humphrey Wanley of the Bodlein library, posed the question "whether when a book contains many different tracts of several authors, under one general title, every author and tract ought not to be expressed in the catalogue."[5]

In law library literature, George E. Wire, referred to as the Melvil Dewey of the law library profession, (which may or may not be of any credit to him) criticized analytics in these terms:

> I am no friend of analytics, and especially short analytics of less than ten pages. They fill up the catalog, irritate the reader, and consume an amount of time and energy wholly out of proportion to their value. I have seen books actually catalogued to pieces in this process; actually analyzed out of their covers. In this day of printed material, they are a waste of time in a general library and a double waste of time in a law library. The reader does not want scraps, he wants a book on a subject. Pre-eminently is this true in a law library where the numerous digests, encyclopedias, and dictionaries take care of all this material. In law text books, the rule is that the greater includes the less—and one expects to find related subjects treated in the same book. Usually any deviations are stated on the title page, and it is unnecessary to go back of that for any entries. A work on real property is expected to include conveyances, deeds, easements, mortgages, wills, and a number of other subjects. Analyticals of law works would only be temporary in character and ought to be removed as soon as the demand ceases. On the whole, the best way to help the reader is to help him directly to new cases. . . . This personal work should be done in every library and is vastly superior to any system of analyticals.
>
> . . . The most ornate catalogue has its limitations and cannot take the place of cordial and efficient personal service.[6]

L. J. Jolly discussing "Cataloging in special libraries" for the University of London's School of Librarianship's In-

[3] Yale University Law School. *Reports of the Dean and of the Librarian*, 1955-56, p. 76.

[4] Ruth French Strout. "The Development of the Catalog and Cataloging Codes." 26 *Library Quarterly*, 265.

[5] Dorothy May Norris. A History of Cataloguing and Cataloguing Methods (London: Grafton, 1959), p. 153.

[6] George E. Wire, "Cataloging of Law Libraries under Fifty Thousand Volumes." 26 *Law Library Journal*, 114 (1933).

quiry on *Cataloging Principles and Practices* echoes Wire's criticism.

> Clearly there is no end to the proliferation of these entries. After all, each item in the index to each book is a potential analytical subject entry. Each library has to make its own decision based on its own circumstance. I would, however, venture to suggest that it is frequently more efficient and more economical to give the librarian an opportunity to become familiar with the contents of his books than to construct a multitude of analytical entries.[7]

Both Wire and Jolly suggest discretion in the preparation of analytics. Neither advise the making of analytics for the various aspects of property as discussed in Thompson's *Real Property*—one author discussing the various aspects of a general subject. The question is: Should we analyze the *American Law of Property*—seven volumes of twenty-seven parts, each part written by an expert in the field? Should we take Wanley's advice and make author and title analytics for each part? *American Law of Property* illustrates one type of publication which some catalogers from the fifteenth century to our present day have considered worthy of analytics—collections of essays written by a number of experts.

Until such time as electronic devices provide us with a finer and more practical "sieve" for literature analysis, catalogers and/or reference librarians will probably continue to analyze collections of essays either for the card catalog or for ready reference files according to the needs and demands of the particular library.

[7] London University. School of Librarianship and Archives. *Cataloguing Principles and Practice: an Inquiry;* ed. by Mary Piggott (London: The Library Association, 1954), p. 141.

Since analytical cataloging is the most expensive of cataloging from the standpoint of time, we are seeking: (1) information as to what publications reference librarians want analyzed; (2) what publications have been analyzed by the Library of Congress or by other libraries; (3) what publications may be indexed elsewhere. With this information the Committee on Cataloging and Classification can serve as a clearing house of information relative to analytics, thus eliminating duplication of analytical cataloging or indexing and developing a program of cooperative efforts, if such effort seems feasible.

We have prepared a mimeographed list of material suggested for analysis. That study was referred to by Mr. McNabb. To guide our discussion, I prepared another mimeographed study, in which I set forth the definition of the criteria for the kinds and forms of analytics.

When I examined the materials, I realized that if I made analytics for some of the publications, I would be duplicating entries in printed indexes. For other material, I realized that I could take Library of Congress cards and adapt them for analytics.

My approach to the problem of analytics has been that of a cataloger in a law school library. I reiterate the card catalog has a limited function; the primary function, to index bibliographic entities. Catalogers and reference librarians in law school libraries will weigh the merits of analytics from the standpoint of the timeliness or timelessness of the material, its uniqueness, its difficulty to ferret out, the authority of the author. Reference li-

brarians, realizing the limitations of the card catalog, will continue to refer patrons to bibliographies, checklists, and special indexes until electronic devices make retrieval of information as simple as pushing a button.

This discussion has not answered the need of the one-man law library which is looking for cooperative ways to reduce time spent with cataloging routines. To date our most notable example of cooperation is the *Union Catalog of Law Libraries* in the Chicago area and the cataloging assistance of the University of Virginia law library to a smaller library in the area.

As a garden variety librarian, my metamorphosis not yet completed as a law cataloger, may I hazard a suggestion that for smaller law libraries, regional law library associations might continue their institutes on library organization and cataloging with a great deal of profit to education. Smaller law libraries might note the experiences of small public libraries, which faced with staff shortages, have federated for the centralization of ordering and cataloging. Thus, freed of ordering and cataloging routines, the one-man librarian could devote more time to examining books and to reference services.

CHAIRMAN SNOOK: Thank you, Nancy, and thank you, Charlie.

Our time was somewhat invaded by the very interesting luncheon, and we wouldn't have it otherwise, but to that we have forfeited the question and answer period that we thought would follow these papers.

A new venture profits just as much from the criticisms of the skeptics as it does by the enthusiasm of its backers, and so I think that if you have any questions—and I am sure you have—please write them on the back of the slip that was issued, and turn them in before you go.

Thank you very much.

APPENDIX

DEFINITION OF ANALYTICAL ENTRY

The entry of some part of a work or of some article contained in a collection (volume of essays, serials, etc.) including a reference to the publication which contains the article or work entered.

POINTS TO CONSIDER IN PREPARING ANALYTICS

1. The number of analytics—
   Varies inversely with the size of the library.
   The smaller the library, the greater number of analytics.
2. Reference value of material
   a. Its timeliness and/or 'timelessness'
   b. Its uniqueness for the particular library
   c. Its uniqueness for the particular publication
3. Non-inclusion of material in indexes, checklists, etc.

KINDS OF ANALYTICS

Author

Kalven, Harry
The elimination of instruction
Illinois. Judicial conference. Committee on uniform jury instruction
(In *Illinois. Judicial conference. Report. 1959. p. 82-90*)

1. Made for collection of essays, lectures by different authors.
2. Made especially for 'authorities' on a particular subject.

Title

Argument against use of television and radio in courtrooms, *p. 95-100* of:
Medina, Harold R.
The anatomy of freedom; edited by C. Waller Barrett. New York, Henry Holt [c1959]
178p. 22 cm.

Made for collections of essays or lectures by well known writers—if title is distinctive and likely to be remembered.

Subject

UNIFORM COMMERCIAL CODE

New York (State) Law revision commission. Report, 1955: study of the uniform commercial code. [Albany]
3 v. 23 cm. (Legislative document, 1955, no. 65)
—; Report, 1956 relating to the uniform commercial code. [Albany]
485p. 23 cm. (Legislative document, 1956, no. 65)

Made for collections containing material on different subjects.

FORMS OF ANALYTICS

Unit card method

Simes, Lewis M.
Historical background of the law of property v. *1, p. [1]-71 of:*
American law of property; a treatise on the law of property in the United States. [Editor-in-chief: A. James Casner] Boston, Little, Brown, 1952.
7 v. 25 cm.

Headings—author, title, subject can be added to 'printed' cards.

Library of Congress. *Handbook of card distribution,* 8th ed., 1954, discusses the use of LC cards for author, title, subject analytics, p. 19-22; 24.

Note especially p. 32:

"If a card is to be used for analytics whether or not the contents are given on it, the entire number desired for analytics may be ordered advantageously, together with the cards required, by giving that number on the order in addition to the usual formula. But if the subscriber does not care to use a card for analytics unless contents are given, the usual number of cards should be ordered first and a second order by card number should be sent for those required for analytics."

MATERIAL SUGGESTED FOR ANALYSIS

American Maritime cases

Contents: cases; federal statutes; articles; book notes
Digests: 7 (5-year digests) 1923-1957
Each 5-year digest lists the special articles, reviews and texts.

U. S. & Canadian Aviation Reports

Contents: cases; federal, state statutes; reports of various aviation committees
Digests: 1928-1944; 1945-1952
Indexed in Index to Legal Periodicals, Aug. 1952-

Federal Rules Decisions

V. 12 contains index v. 1-12; 1939-1952
Indexed in Index to Legal Periodicals, Aug. 1946-

Judicial Council Reports

Contents: Primarily statistical material.
Some special studies as in New York's Judicial Conference Reports: *e.g.,* Jury service in Courts of New York containing a comparison of the States' rules of exemption from jury service.

Studies of Institute of Judicial Administration

Worthy of analysis *e.g.*, July 1959 study: Wilkes, Daniel. "Post-convention constitutional rights of indigent criminal defendants: State interpretation of Griffin v. Illinois.

Law Revision Commission Reports

California. Law revision commission and studies. Individual studies cataloged by LC or by University of California at Los Angeles.

New York Law revision commission
Index 1935-1951

Legislative Council bulletins

Kentucky Legislative research commission
Informational bulletin
Research bulletin } LC

Ohio. Legislative service commission
Research reports LC

Oklahoma. State legislative counsel
Research reports LC

All indexed by *Legislative Research Checklist.*

Published papers of institutes, conferences, symposiums.

The following are indexed in *Index to Legal Periodicals:*

Estate planning institutes (University of Georgia.) 1958

Institute on Oil and Gas Law & Taxation, Dallas

New York University Institute on Federal Taxation. (Consolidated Index 5th-16th)

New York University Conference on Labor

Many are cataloged by LC. If library wishes analytics for each volume, order the necessary number of LC cards to make the analytics needed.

TRACING FOR ANALYTICS

1. aa, ta—if content note on card.
2. Trace authors on back of unit card; on back of each author analytic, trace other cards.
3. Trace all entries on back of unit card.
4. Special tracing record in catalog department.

After a short recess was taken, the panel on "Government Documents and Publications" convened with Mr. Arthur A. Charpentier [Association of the Bar, City of New York], presiding.

CHAIRMAN ARTHUR A. CHARPENTIER: We have taken as the title of the panel "Government Documents and Publications."

Let me define some of the things we will do and some of the things we won't do. We have taken Government Documents and Publications to cover that great area of issuing papers from Government agencies both on the Federal and state levels and to some extent on municipal and local levels. We will not cover legislative histories as such. These, after all, are a specialized gathering together of the very documents for which we are talking, and therefore we are not going to say much about the collections of legislative histories and how they are pulled together because it doesn't seem to have too great a place in this particular area in the short time that we have.

We are not also going to talk—although I am sure you are all aware—of the enormously increased cost of procuring this type of material. One of the least rewarding experiences in our profession is to look over your exchange and free list of ten years ago, and then look at them again today, and see what has happened particularly in the field of state publications where you are feeling the squeeze of the dollar. States have now started to charge us for things we used to get for nothing in that whole area. We are not going to talk of this cost area. I think we are all sensitive to it. The only answer to it is money, and you can't get that up in a panel discussion.

Simply, this is an area where we have had to pay for a great deal. We will, however, see as we go along that the fact that these publication costs have risen or have come about at all has in some areas led to a reduced publication actually of materials which we feel that we should have.

Now how we are going to run this panel. First we are going to have one speaker investigate the Federal field and just say a few words about what obtains in the document area in Congress and executive agencies and so on. The second area that we will look into is the state and to some extent the municipal and local scene. The last area that we will talk about this afternoon is this perplexing problem of what to do with these ephemeral, sometimes elusive objects, that we get from Government agencies, once we get them into the library. How might they be cataloged? How might they be handled? How do you shelve them? Things of that kind.

Now long ago—or not too long ago really, but when I first came into this Association, I was early acquainted with a type of poetry, and it was a charming couplet. It went something like this:

My name is Surrency. It rhymes with currency.

Do you remember that? My name is Surrency, it rhymes with currency. I think that was about ten years ago perhaps, and I think now that we all know Erwin Surrency and have known him for years. His name might rhyme with currency, but it's also synonymous with a high degree of competency in the field in which he is

engaged, legal history. He runs a fine library at Temple University and he is going to talk to us on *The Federal Scene,* so I would like you to meet Erwin Surrency, the Librarian of the Law Library at Temple University.

ERWIN C. SURRENCY: It seems that the patrons of libraries are continually asking for material which we do not have. This experience is very exasperating, especially when you are unable to locate the requested material in any bibliography or when one is unable to find any reference to its existence. In no other area is this experience more likely to happen than in the field of documents issued by the federal government. Many librarians are aware of this problem, and this paper is more like a sermon in heaven on sin—just a little bit unnecessary.

One of the pressing problems of American civilization is that of education. The public is demanding better and increased training in all fields, but too often, improvement in training means lengthening of education. In other words, many times the material that could be incorporated in general training is made the subject for a specialization or a special course! "We do not have the time to incorporate this material!" is the usual cry of the law school faculty. All too often, however, a professor of law continues teaching from old materials containing the same cases he has been using for years. A person studying contracts in 1900 would recognize the organization and be familiar with the decisions that are currently used in many casebooks. I think one of the serious defects of modern legal education is that the law student is not taught the importance of being abreast of the trends in the administration of the law. When the lawyer becomes aware of this, government publications become important. When the lawyer goes to conclude an antitrust consent decree, the Report of the Antitrust Subcommittee of the Judiciary Committee on the *Consent Decree Program of the Department of Justice* becomes important.

Courts are making use of more types of materials than formerly. Lawyers have now heard vaguely of legislative histories, congressional reports, hearings, bill prints, and some will reluctantly admit the existence of the *Federal Register.* The Administrative Office of the United States Courts is studying the problem of furnishing the federal courts with legislative histories. The constant complaint is that the law is growing, taking within its ambit areas which would have been considered outside the legal field only a generation ago. Since law librarians are the servants of the legal profession or, if you like, an adjunct to the legal profession, this is putting the need for increased competency on the law librarian.

Government documents cover a large area and embrace everything from statutes issued regularly by the Government Printing Office down to the mimeographed publications of the various administrative agencies. Those documents which are listed in the *Monthly Catalog* and are available through the Government Printing Office, present few problems for the law librarian. But a second group, those which are issued by a govern-

ment agency and available only through that body, are the ones which cause us concern in their procurement. Of this second group, there generally are no listings or catalogs. Series are begun and discontinued. A stray item is issued primarily for the use of the agency but which is useful later to the law library. In this paper, we are concerned with that class of government publication.

Many publications issued by government agencies deal with subjects for which there is no other printed material. In spite of Mr. Ike's complaint against the farmer's bulletin on dishwashing, this pamphlet fulfilled a need that was felt by a great many Americans on a subject of great practicality to them—a need which our system of private enterprise in the field of publishing does not fill. All law librarians are aware that there are subjects for which there is no literature.

In addition, government documents whose subjects are normally outside the field of law, often have useful materials for the lawyer. This is illustrated by two yearbooks of the Department of Agriculture; the one for 1958 was entitled *Land,* and contained chapters on land planning and conservation—a subject which is important in land planning. The Yearbook for 1955 was entitled *Water* and contained chapters on water conservation and irrigation; materials which are needed by those working in water law. There is no telling where one will find useful information in government publications. For example, a news release of the Committee on Judiciary of the Senate contained citations to the state laws on wire tapping and had a summary of federal activities both in the courts and by statutes in this particular area.

As long as government documents are a part of some regular series and available to depository libraries or by purchase through the Government Printing Office, we librarians can supply the requests of our patrons. Unfortunately, not all materials are available through these sources. There are many printing plants in the government which publish materials needed by the legal profession. This material is generally printed in limited numbers and soon goes out of print. When the librarian becomes aware of its existence, it is too late. For example, the last issue of the *Law Library Journal,* p. 132 gives the story of the *Index Digest of the Federal Antitrust Decisions,* Volume 13, published by the Federal Prison Industries and unattainable at the present time.

When we consider government publications which are not generally available which have legal significance, we find that many of them originate in either Congress or in some administrative agency. First, we will turn our attention to the lesser known publications of Congress not found in the Serial set but which are appearing in the citations in court decisions.

Probably the most important documents which are not accessible are Committee Prints and Executive Documents of the Senate Foreign Relations Committee. Committee prints are reports issued for the use of a particular congressional committee and these studies often contain important information on a particular statute or

a particular problem which the statute seeks to remedy. A few of the committees issue no committee prints, but others issue a great many. It has often been pointed out from the floor of this convention that these committee prints are being cited by the courts more and more.

How is the librarian to obtain these documents? There are several methods available. Many of them are listed in the *Monthly Catalog,* and hence the librarian can write to the issuing committee and usually get copies. Some committees ignore such requests. Granted this is a laborious process and one in which some materials will be overlooked.

The various committees all issue calendars which give the status of bills pending before that committee as well as the status of the bills that have been reported out to that branch. In these calendars the publications of the committee are generally listed including committee prints and hearings. Hence, one is able to look over these lists picking out the items which he wishes, and then write to the committee for them. It is recommended that this be done at the end of each session of Congress.

The third method, which is not too successful, is to get on the mailing list of the various committees. However, many committees do not maintain a mailing list and you are forced constantly to write to them requesting the various documents.

The next group of congressional documents which are not in the usual serial set and generally inaccessible in law libraries are the Executive Documents of the Committee on Foreign Relations of the Senate. Your attention should be drawn to a confusion in terms. Originally, *Executive Documents* were papers from the Executive to Congress, and this term is still used in this context. However, this term applies, also, to the texts of the treaties submitted to the Senate for its consent and advice. Since the Senate never gives its consent or advice to a great many treaties or they are a long time giving this consent, the only method by which one may obtain a text of a particular treaty is through this series.

Executive reports are issued by the committee and are the recommendations of the Senate on the treaty. Both of these series are important sources for treaty law and are not included in the serial set. I have been most unsuccessful in obtaining these items from the committee.

Mention has been made of the committee press release which contained a study on wire tapping. Many committees issue this type of release, and if at all possible, the library should try to obtain this material and judge on its merits whether it should be maintained or destroyed.

It has been said that all federal agencies are in the printing business and they do issue a great many items in the course of the year. All items issued by an agency are, theoretically, listed in the *Monthly Catalog,* but as we know, this is not true. We must seek our information in other sources for these processed documents but there are no lists which purport to list the materials with which we are concerned.

One must remember when dealing with the government that there are

certain documents which are issued for the internal use of the agency concerned. With these we cannot be concerned as they are not available to the public.

To do a successful job in locating materials of the various agencies, one must begin with each department and each agency and study its publications. Unfortunately, we have no good bibliographical tools for these publications, and where lists of publications do exist, it is unrewarding to examine long lists of technical papers not to find anything of legal interest. What is needed, more than anything else, are bibliographical studies of publications of legal nature by the various governmental agencies. I would like to suggest that each member of this association, who worked in a Washington office, prepare a short study of the legal publications of that particular agency. A list of the legal publications of the Atomic Energy Commission would be extremely useful. A study of the publications of the General Counsel of the Department of Agriculture would make available bibliographical information on a very important administrative official. These are but a few suggestions.

When collecting materials in administrative law, it is well to realize that no single type of regulation is handled by any one agency. In other words, in the regulation of foods, the Food and Drug Administration is not the only interested agency. In addition to that agency, the Agriculture Department inspects meats and enforces certain regulations governing packaging of fresh vegetables. Importing of narcotics is within the province of the Bureau of Narcotics; whereas, the purity of drugs is enforced by the Food and Drug Administration. In other words, several agencies of the government are interested in different aspects of the regulation in certain fields. The law librarian who seeks to collect government publications on food law, drugs, advertising, etc., must look to the publications of several agencies.

By way of illustration, the following are a few titles of processed materials issued by the various agencies which are useful in a law library. The National Labor Relations Board issues several series of mimeographed materials. The R Series contains speeches of the members of the Board as well as statements of policy. One such statement *Statement of Principles and Instructions to Staff Regarding Force and Violence in Labor Disputes* is important to anyone in the labor field. Their W Series contains the advanced decisions and summaries of decisions.

The Food and Drug Administration issues irregularly three series of decisions and court orders entitled *Notices of Judgments under the Federal Food, Drug, and Cosmetic Act;* one series for *Foods,* another for *Drugs and Devices,* and a third for *Cosmetics.* Another series is their *Notices of Judgment under the Caustic Poison Act.* These series are difficult to obtain and very few libraries have complete files. However, many decisions and orders involving action by the Food and Drug Administration are reported here and nowhere else.

These are but a very few examples of processed materials of use to law libraries. The first question that would

naturally occur to a librarian is whether this material is not incorporated into the services. A great deal is, but much is not.

Now that we have illustrated some materials which are difficult to obtain but are important, the next question is what is being done about this situation. Several things are happening. The first is that a bill is now pending in Congress to revise the laws relating to Government Depository Libraries. This bill, H.R. 519, (H. Doc. 67, 86 Cong. 1st Sess.) has now passed the House and is pending in the Senate. One of the provisions of this act requires those agencies having materials printed at other sources to furnish the Superintendent of Documents with sufficient copies for distribution to Depository Libraries. The definition of government publications is very broad. Section one provides:

> Government publications, except those determined by their issuing components to be required for official use only or those required for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, shall be made available to depository libraries through the facilities of the Superintendent of Documents for public information. Each component of the Government shall furnish the Superintendent of Documents a list of publications, except those required for official use only or those required for strictly administrative or operational purposes which have no public interest or educational value and publications classified for reasons of national security, which it issued during the previous month that were obtained from sources other than the Government Printing Office.

Section 4 specially mentions "all publications, not confidential in character, printed upon requisition of any congressional committee; . . . and all reports on private bills concurrent, or simple resolutions" shall be furnished. This seems to include committee prints as well as the executive documents to which we previously referred.

We are all familiar with the Library of Congress Documents Expediting Project in making available a great many of these publications to which we have referred. However, this project is scheduled to expire this summer.

A third project is the publication on microcards of Committee Hearings and Committee Prints by Readex Microprint Corporation. In addition to this service, this corporation is pushing other cards such as U. S. Government (non-depository) publications, Senate and House bills, administrative decisions, etc. Many of the problems of procurement of government publications may be solved by subscriptions to these publications.

In closing, there are two recommendations that I wish to make. First is one to which I have made reference; namely, more bibliographical studies of the publications of the various governmental agencies by those who have access to their publications. The second recommendation is that this Association go on record in support of H.R. 519.

CHAIRMAN CHARPENTIER: Thank you, Erwin, very much.

Now we are going to get into an area admittedly more perplexing, and that is the state area. To investigate this problem a little bit, we have had a man who has had the unique distinction of having his feet in two oceans. Dan Henke started in the

University of Washington under Marian Gallagher and came all the way to New Jersey where he was the state law librarian there, and although Easterners love our climate, Dan didn't. He went right back to California where he is now at the University of California running the law library in Berkeley. I must say he is in a very nice spot, so it gives me great pleasure to present to you Dan Henke, the Librarian of the Law Library at the University of California, at Berkeley.

DAN L. HENKE: The massiveness of the law is anything but subdued in the state legal publications field. Such a reference to an advertising slogan of the masters of ALR may be taboo here in West territory, but it points up the benefits we derive from the skills of the law publishers in the assembly, organization and distribution of appellate court reports, statutes, and to some extent, administrative law. In the state documents field we are frequently on our own without the services of rapid and efficient publishers. The National Reporter System is with us now because the wheels of government turned slowly in the late 1800's just as they do today. John B. West recognized the need for quick reporting of case law and out of the fulfillment of this need arose a vast publishing concern.

Today, there is need to conquer the massiveness of state primary legal materials. Progress is being made in many of our jurisdictions; in others, there is stagnancy or retrogression, principally because of the squeeze on the tax dollar. Law librarians are often directly or indirectly responsible for improving or making available sources of legal information. For example, after years of urging by members of this association and others, the *Legislative Research Checklist,* covering state legislative council and legislative service agency reports was made available to law libraries on a subscription basis for the first time in 1959. It had been published since 1947. This example is used to show that improvements in an existing situation may not be easily gained, but neither are they impossible of achievement. The law librarians in every state have a political job to do in their state capitals in encouraging effective distribution of state publications so that judges, attorneys and clients may know the law. Nothing is more fundamental to the efficient administration of justice.

The happiest solution to the state publications distribution problem lies in the cooperative design by a State Library and a state's law librarian of a sound legal depository program similar to that now employed by the Federal Depository Library program. Some states have depository programs that meet the needs of law libraries. Others do not. Let us take California as an example. The Library Distribution Act, which provides for the distribution of state documents, is the basic legislation. This Act has been administered by the Department of Finance, but its functions are now being transferred to the California State Library. Under the present system, the needs of the Law School and County Law Libraries are woefully neglected. The law libraries throughout the state are eagerly anticipating immediate im-

provement in the situation, as the State Library assumes responsibility for this important function. It should be the responsibility of all law librarians in a jurisdiction working cooperatively to make their needs for executive, legislative, administrative, and judicial materials known to the distributing agency. Such a program need not be a Santa Claus operation. Money expended to achieve automatic receipt of needed documents on a continuing basis would be well spent. Personnel costs in finding, selecting and ordering most state publications could properly be saved and applied to other areas of library building.

Law librarians are familiar with the *Monthly Checklist of State Publications*, published by the Library of Congress, but I suspect that few outside the State Library realize that this publication can only be as good as a state's contributions to it. Almost invariably, the state collector of such publications information—the State Library in most cases—is at the mercy of an issuing agency which is likely to be a complex governmental entity operating in two or more locations—seemingly with a mimeograph machine in every corner. The statute books are full of laws requiring the deposit of state publications in the State Library, but most of these do not provide a penalty and depend upon the force of the agency charged with their enforcement. This reference to force is aimed not only at the individuals who may be concerned, but also toward the agency personality. It is obviously difficult for a state library agency operating as an appendage to an education department to force revenue producing agencies of state government to do anything, but here you should remember that the artillery of the Bench and Bar can always be brought up. For a relatively menial task such as publications distribution, personnel in issuing agencies are likely to change frequently and there can be no assurance of the maintenance of a "grooved" operation. Periodic reminders from the collecting agency to the issuing agencies couched in persuasive tones citing the statutory authority is about all that can be done in the absence of penalty laws. The situation in most states is far from ideal because there is no funnel through which all documents must pass. For printed materials, there is much greater promise of compliance with depository laws if statutory provisions are made for the printing of depository copies for the State Library as a condition precedent to general publication and distribution. Under such an arrangement, the State Library would receive a copy of all printing requisitions. The Federal Government has many fugitive non-printed materials, but it does have the advantage of a centralized Government Printing Office in which most government publications are printed. States with government printing offices or designated State Printers should be in a far better position to collect depository copies of publications than those which do not enjoy such an arrangement.

A model Act drafted by law and general librarians in cooperation with the Council of State Governments for inclusion in the Suggested State Legislation series seems to offer the best means for implementing this proposal.

Cooperation between the American Association of State Libraries, the National Legislative Conference and this Association could do much to get legal documents to the law libraries. Once a draft of this model act appeared in print, the task of convincing individual legislators and legislative committees to give it favorable consideration would be greatly simplified.

Mention of the Council of State Governments brings to mind the excellent service that this organization renders in compiling the *Book of the States* and publishing many documents useful in finding state information. Its location at 1313 E. 60th Street in Chicago, in close proximity to the American Bar Center and the University of Chicago means that a heavy concentration of legal research materials is being developed in a relatively central geographic location.

Recent Publications on Governmental Problems, compiled weekly by the Joint Reference Library at the same Chicago address, presents subject listings of documents and periodical articles pertaining to public administration. If you find that a state document is out of print and unobtainable elsewhere, you may be able to negotiate an interlibrary loan via airmail from this library which has a general reputation for excellent service.

Twenty-six jurisdictions now publish their own checklists of state publications. Mr. M. Gus Toepel, Chief, Wisconsin Legislative Reference Service, recently prepared an exhaustive study of these checklists which indicates that they may have great utility in finding state information not otherwise listed. With his permission, this study may be printed in the Law Library Journal. It should prove useful to law librarians.

In the field of administrative law, the California example is excellent. For a total annual expenditure of approximately $70,000, the people of that state are privileged to have an *Administrative Code* kept current by an *Administrative Register.* The code is well organized and all administrative agencies, with certain recognized exceptions such as the State Department of Welfare, publish their rules and regulations there, as required by law. The codification officer is an active member of the State Bar of California. California, with the highest per capita tax take in the country, provides many services to its citizens not found in other states. The Administrative Code and Register are certainly worthwhile investments, and would be greatly appreciated by those of you who work in jurisdictions without such codes. Carroll Moreland, as early as 1942, published an article in 15 State Government 59, entitled State *administrative rules and regulations; suggestions for the systematic publication of administrative rules and regulations by states.* It is interesting to note that many of his suggestions were adopted by states that later issued administrative codes.

Acquiring administrative decisions may be a greater problem than administrative rules and regulations, yet any large law library should make an attempt to obtain all of the published administrative decisions in its own jurisdiction, and, if an administrative code seems to be in the cards, codes and decisions from other states may

prove useful as examples. Uniformity in publication is desirable and there is no reason why standards of publication cannot be adopted that would at least require uniformity of format, size and paper quality. The State Library may also be able to provide a valuable service in suggesting that issuing agencies comply with certain recognized printing practices relative to the information that appears on title pages. Editorial review by a library agency of publications may serve to provide the tip off that documents are about to be published and also improve their bibliographic features.

The *State Law Index* came to an untimely death when the appropriations to the Library of Congress were cut back in 1947. Apparently, the Library of Congress did not consider it important enough to continue in relation to its total scheme of activities. No real effort has been exerted to revive it. In 1958, the National Legislative Conference enacted a resolution requesting its restoration. While Federal money may be saved in not restoring this useful publication, the amount of work that is repeated at the state level because of its nonavailability is appalling. The comparative law data contained in legislative council publications is extremely useful under the circumstances, and notation is frequently made of the existence of such data in the *Legislative Research Checklist* entries. Oceana Docket Publications on various subjects may be used as a partial index and primary citation to general statutory law in the various jurisdictions. The looseleaf services often contain other useful state comparisons and we are all familiar with the Martindale-Hubbell State Law Digest. A digest of statutory law of all American jurisdictions is under consideration by the American Bar Foundation, but its current status is undetermined.

In the past year, the Index-Digest of State Constitutions was completed under the direction of Richard A. Edwards of the Columbia University Legislative Drafting service.

Jerome K. Wilcox's *Manual on the Use of State Publications,* first published in 1940, should be revised. The organizational frame is sound, but the information needs to be brought up to date.

Keeping abreast of county and municipal law is extremely difficult in most jurisdictions. In California, the situation is not ideal, but is better than in most places. All charters and charter amendments of the cities and counties must be approved by the State Legislature and hence appear in the session laws. Deering's General Laws provides a key to the charters and amendments. As for ordinances, there is a state law requiring deposit in the State Library, the University of California Bureau of Public Administration in Berkeley and the Bureau of Governmental Research at U.C.L.A. The problem of compliance is the same as in the case of the State Library attempting the collection of all State publications. The situation in other states varies. New Jersey City ordinances are most easily located in the New Jersey State League of Municipalities office in Trenton. The least that a law library can do for a patron is refer him to a likely source, most probably the issuing agency, and

even then there is no assurance that he will find what he seeks. The National Institute of Municipal Law Officers may be able to improve the general situation by designing model proposals for the publication and distribution of ordinances.

The interests of law libraries in the state documents field are best served by continuing contacts between law librarians throughout the state and state library personnel and state officials. A public relations approach to the problems of acquiring state documents should provide the communication that is needed. When the needs of the law libraries are made known, the state library should take the lead in solving the difficulties through administrative action or legislative proposals. Cooperative acquisitions programs between state and local law libraries in close proximity coupled with fast interlibrary loan service offers great promise of improved service at reduced cost. State libraries now so interested in extending public library services have a great new field to conquer in extending law library service within their jurisdictions. When the lawyers are served well and become the allies of librarians a comprehensive state library program becomes easier to achieve because of the influence of the legal profession in legislative circles.[1]

[1] Obviously, I have only scratched the surface of this subject bibliographically speaking. For those of you who were not privileged to attend the third annual institute of the Law Library Association of Greater New York, I recommend Marion Hemstreet's paper entitled *State and Local Documents as a Source of Legal Research*, appearing on pp. 32-55 of the proceedings of that institute. While the emphasis is upon New York, there is much information of general value there. Edward Thompson Company printed the proceedings.

CHAIRMAN CHARPENTIER: Now we are ready to look into the cataloging problem involved in this business of receiving documents, and to do this part of the program I have called on 50 per cent of a very remarkable team whom I hope you know, the Moody Sisters at Harvard. For many years I have never been able to figure out who is Myrtle and who is Margaret, but I know one is different than the other because they do different things.

So that you don't confuse, the Moody's, there is a difference in function, and my program has Margaret Moody who is the head of Cataloging and Assistant Librarian at Harvard who is going to address us, but it might be Myrtle who is head of Acquisitions. I know the script called for dealing with cataloging of documents, but if we should have a speech dealing with acquisition it is just a confusion of people, so here I think is Margaret Moody.

MISS MARGARET MOODY: I am afraid that Art is right. This is Margaret Moody, and this is cataloging.

Government documents, state and federal, have long been a recognized problem in the library field. As early as the first American Library Association Conference in 1876, attention was called to the growing importance of government documents in American libraries, as well as to the complexities in organization and servicing of these documents. Librarians still face the problem of what to do with government documents and still look to the future for a solution. This problem has been faced regularly in the intervening years, by law librarians among others, and with varying

degrees of success. In fact, law librarians are confronted with this problem more regularly and to a greater degree than any other group of librarians because of the preponderance of government documents in their total collections. I have found various estimates of the proportion of documents in American law library collections as high as fifty to eighty per cent. Is it any wonder that we are so concerned with their records and arrangement when volume-wise they present our largest problem? I will try to suggest a few alternate ways in which the problems of cataloging, binding and shelf arranging of these documents can be handled.

Since few law libraries are complete United States government depositories, the first aspect of the problem to be faced—that of segregation or assimilation of documents into the general collection—is not clear cut. If the federal document collection is really a substantial proportion of the total collection and the classification makes no provisions for the special treatment of documents, I would certainly consider a separate arrangement and treatment of this material. On the other hand, the non-depository library which buys only a selected few government publications, which does not collect extensively in the area of Congressional hearings, for example, would be well advised to absorb the documents which they do acquire into their regular routines as far as cataloging, classifying and shelving are concerned. In the library with a larger document collection, it is advisable to consider the separate collection—or perhaps the partially distributed collection.

To elaborate somewhat, the separate collection will not only provide for housing and servicing of the documents separate from the rest of the collection but it will usually classify and record these materials differently as well. Some libraries centralize the various aspects of processing and public service under a single documents section and thereby look to increased knowledge on the part of this special staff and, therefore, to better service to the user.

The most commonly adopted system of classification for United States government documents is that of the Documents office itself. The classification is by governmental authors; first, by departments or independent publishing offices, and; second, by bureaus, offices or divisions of such departments and offices. The first letter of the distinctive word in the title of each of the ten Executive offices is used to designate the department—such as A—Agriculture Department or J—Justice Department. To avoid possible conflict, two letters are used for the independent publishing offices—such as CS—Civil Service Commission. Bureaus and offices were arranged alphabetically under the Departments when the classification was established and numbered in that order. This now means that the order is no longer alphabetical since the new bureaus are numbered at the end. The system is simply a notation scheme; it is not a subject classification scheme in any technical sense of the word. This scheme has been widely used simply because it makes it possible to arrange the collection by a well recognized

scheme which has the number already assigned if the document is a deposit copy and the numbers assigned to non-deposit items are *usually* available in the *Monthly Catalog* within a short time. There are occasional problems at this point if, for example, the item does not appear in the *Monthly Catalog* and a number must be assigned by the library. Care must be taken that the number assigned by the library is not likely to conflict with any subsequent numbering done by the Documents office itself. There may also be a further problem in assignment of numbers to older documents. Numbers for publications issued between 1909, when the "Checklist" stopped publication, and 1924, when the *Monthly Catalog* began, are found only in the monthly invoices of the Documents office for this period or in Miss Poole's *Documents office classification*. These bibliographic sources may not be available in many law libraries.

Miss Ellen Jackson, while at the Oklahoma Agricultural and Mechanical College Library, developed a notation scheme for documents which some libraries have found more workable than that of the Documents office. This schedule arranges the documents by issuing office, alphabetically by name of agency but by using a system of capital letters and Arabic numbers, it is possible to preserve a completely alphabetical arrangement of the agencies. New agencies are not forced out of order to the end of the schedule, as in the Document office scheme. This system is also adaptable to any series of documentation, whether it be federal, state, municipal, foreign or international. Here again, it must be noted that this classification scheme or, more properly, this notation scheme, does nothing to make subject use of the shelves possible, except in so far as the names of the agencies indicate the general subject-matter of their publications.

A third alternative is arrangement of documents by name of issuing body; that is, alphabetically by key words of the name of the agency, without the use of a notation. This, apparently simple method, does present some problems. For example, it must be decided whether each office enters directly under its own name or as a subordinate to a department. Most libraries have found it best to arrange publications of an agency having autonomous status directly under its own name. Thus publications of the Bureau of the Budget file directly under the key-word *Budget* rather than as a secondary file under President, or under Treasury, as they might have been before 1939. This system also provides some subject approach and is more readily used by the public than the Documents office arrangement which pre-supposes a greater knowledge of the organization of the government than most people have.

Choice of arrangement, as indicated, will depend very largely upon the size of the documents collection in relation to the total collection. If the documents collection is small, it will pose no special processing problem and can be readily absorbed into the regular routines of recording, cataloging and classifying. If the collection is a substantial portion of the whole, as is the case in most law libraries, if they

collect in the administrative field to any extent, then special rules of processing should be established for these documents.

If it is felt that some documents are important enough, and if a subject classification exists, it is possible to integrate the most important documents and still have a documents collection that is not recorded and cataloged as fully as the rest of the collection. A separate documents collection allows the library to take advantage of economies in recording and cataloging, without conflicting with the orderly processing of the rest of the collection, since the shelving is separate, short form records can be used to serve multiple purposes, as, for instance, a combined shelf list and checking record. Entry need not be as complete as in cataloging and a major saving can be effected by not cataloging the collection to any greater extent than by the use of entry cross-references or see-also guides and information cards. Many libraries use only information cards in the main catalog, stating under the corporate entry for each agency that its documents are to be found in the document section. Some libraries use similar cards under broad subjects in the subject catalog. In the library which catalogs some documents fully, such information cards are even more necessary, since the average user will assume that he has seen cards for all of the documents issued by that agency held by the library.

It is possible for a library to service a large documents collection with no more elaborate records than a checking record used in conjunction with the *Document Catalog,* the *Monthly Catalog* and other special bibliographies and indexes. These bibliographies and indexes can be checked against the library's holdings so that these bibliographic services themselves will answer many reference questions. In many systems, the *Monthly Catalog* alone has served as a checking record for the library's holdings of Congressional documents. If a classification scheme other than the Document office one is adopted, that notation can be used as the checking symbol opposite the items listed in the *Monthly Catalog* and thus become a direct guide to the arrangement on the shelf. The full use of these lists as annotated bibliographies of the collection constitutes one of the most successful substitutes for complete cataloging of a single area of the collection yet devised. The fact that, in this field exist the most complete and satisfactory indexes of any field, makes it possible to realize substantial savings in the cataloging of such materials.

Cataloging government documents has long been a vexing problem—not alone because of the many complexities of corporate entry but because of the vast quantity of publications issued by each department of the government. The card catalog tends to accumulate large blocs of similar entries —many with identical subjects—which substantially lessens the usefulness of the card catalog. In the Harvard Law School Library catalog (where we do complete cataloging and integrate all government documents into the regular collection) there are 21 trays of main entries under *United States.* When such sheer bulk becomes an im-

pediment to use of the catalog in any area, other means of making the materials available must be seriously considered. The use of checked and annotated bibliographies and indexes, is one of the most effective such alternatives.

Thus far, I have considered only the federal document collection as a whole, but I realize that among law libraries Congressional materials are probably the only substantial collection of documents that is not treated from a subject viewpoint. Most law libraries select Congressional hearings and reports—some try to collect them all. Once again, there are several patterns for arranging hearings and reports now in general use in libraries in the United States. The arrangements emphasize different approaches to use. One plan arranges first by session of Congress and within each session alphabetically by committees, and then by subject word of title (Cuttered). Another plan arranges first by Committee and within each Committee by the session of Congress and finally by subject word of the title. In the Yale Law Library classification schedule, Class CH provides for the arrangement of Congressional hearings and reports by year of publication, subdivided by Committee, then by the House of Congress, and finally by numerical order of receipt. In all plans, Congressional reports are generally arranged so as to follow the hearings which they complete.

The obvious advantage to the arrangement of hearings by session, the first plan discussed, is that the bulk of material under each Committee is substantially reduced. It can also be argued that most questions concern hearings in a definite Congress and the users generally know the session. It is possible, in a collection of Congressional documents kept in this order, to weed the collection, by cut-off dates with a minimum effort. A disadvantage of great importance is that this arrangement separates parts of hearings when they are held over from one session to the next.

Arrangement by Committee and then by House of Congress, the second plan mentioned earlier, makes it possible to arrange the hearings of the Committees on the Judiciary, both House and Senate, following one another, so as to give some subject grouping. Whether this proximity in shelving is helpful, is for each library to judge for itself. In any arrangement which depends upon main subject word of the title, we have the possible problem of inconsistencies in choice of subject word. There are also the cases when the subject is identical with that of another hearing but, since the term does not appear in the title, the same key word cannot be used. It is exactly this peril of inconsistency that has deterred so many libraries from this plan and caused them to discard entirely the principle of subjecting by key-word.

It should be noted that under this second plan, the hearings can be checked in with the Monthly Checklist and entered on a checking card, if the latter serves some purpose for the library. Unless the library has a policy of complete cataloging, the hearings need not be represented individually in the card catalog. Blanket reference cards filed under the title of the Com-

mittee can lead the user directly to the reference desk for service. If the library does use a subject classification schedule, these materials can be excluded from its application and then handled exclusively by format or type of publication. In case the need does exist, certain much-used hearings can be completely cataloged and classified or duplicate copies of them may be acquired for the regular collection. If the long view of the collection's use is taken, it will probably be realized that few exceptions need be made to this separation of Congressional hearings and reports into a separate entity.

I have not considered here cataloging and arrangement of such documents as Constitutions, Laws and Court reports. These are generally handled in a uniform way among law libraries so that such discussion seems unnecessary. Slip laws may be a nuisance to arrange and file but the arrangement is an obvious one and since their retention is usually temporary, no serious problem is apt to arise.

State documents pose, in general, the same problems raised in the discussion of federal documents. Since the number of publications issued by any one state is not as large as one expects from the federal government and since most of us do not try to collect administrative material for all the states, the problems to be faced may not seem so large. They are nevertheless, all present and challenging us for a solution of them to a greater degree than in the federal area. One reason for this potentially more complicated situation is the fact that there are no existing reliable checklists of documents for many of the states. The *Monthly Checklist of State Publications* which has been issued by the Library of Congress since 1910 is a selected list of state publications and lists only the publications which have been received by the Library of Congress. There is no comprehensive list for all state documents. At a meeting held in 1950, by the ALA Committee on Public Documents, Miss Ruth Hardin of the Illinois State Historical library, reported on a study she had made of checklists of state publications which were then currently issued. She found, first, that few states were issuing them, second, that most of those that were appearing were slight, mimeographed items that did not cumulate in any way, and, third, that there was a serious time-lag between the issuing date of the document and its inclusion date in the checklist. This condition has not miraculously changed for the better. Therefore, since no uniformly adequate checklists exist for state documents, it is more difficult to advocate less cataloging of such material and the substitution of annotated checklists. In many cases, the library would have to prepare its own checklists to serve as card catalog substitutes. Immediately the economy feature available with the use of such bibliographic service would be lost in production costs.

Again, many of the state documents (Constitutions, Laws, and Court reports) are self-classifying and self-cataloging. The matter of entry is pretty well standardized, Library of Congress cards are generally available and the cataloging of such material should not be unduly expensive for the average

law library. Law libraries might well consider specialized treatment only of the materials of their home states or of their state plus the immediately adjoining states. Ordinarily your State Library should be able to advise you as to the relative availability and completeness of checklists for your state documents. On the basis of this information, plus your own special use of these materials, you will be able to decide what plan of action you can best follow in the organization of your own state document collection. The "Jackson" notation as well as the "Swank" notation make readily available, tested systems of arrangement of state documents. The main advantage of the use of one of these notation systems is the hold-over value of similarity of arrangement in federal and state documents. This hold-over is equally useful to staff and patrons.

Finally, as to processing for the shelf, there is a wide choice of possibilities here—all the way from filing documents in transfer drawers to standing them on the shelves unbound as received—to using pamphlet boxes —to pamphlet binding—to full library binding either as separate items or as made up volumes. All libraries will have some document material which is of an ephemeral nature, and which should be kept in transfer cases or vertical files and weeded for discarding strenuously at regular intervals. Any physical preparation of such documents, beyond property stamping is an unnecessary refinement. Congressional hearings may be bound separately in pamphlet bindings (most will fit the standard Gaylord binder easily) or in volumes, depending upon the shelf arrangement decided upon. Some libraries make up volumes by Committees at the end of each session of Congress and bind them in regular library buckram volumes. The "pad" binding type of cover may easily be used as binding for all kinds of documents. Once again, the final decisions should be made upon the basis of the use which the documents are likely to receive during their entire life in the collection. Will they be subject to a minimum use after the current session —or does their content make them the kind of item that should be prepared for continued regular use. Too many libraries have had one standard —or at most two—for binding everything and have bound this type of material to the same specifications as course books or reference books. We have been over-preserving for the type of use the item is likely to receive. I am not advocating that no binding be done. I feel strongly that all materials should be protected on the shelf—if only from the bindings of the two books standing next to them—I would urge varying standards of binding for different books, extending all the way up the scale to the matching of contemporary bindings for rare books. There is room for a very real saving in binding costs without, I feel, impairing the use or value of the collection.

I was tempted, when I was preparing this paper, to go into the problems of documents of international organizations—both governmental and nongovernmental. There, one can find even more pertinent examples of the value of special treatment of document collections. However, it did seem am-

bitious enough to try to cover federal and state documents in this short time. I would seriously suggest that you all look at your document records with a critical eye to see what the record is really doing for you. Do you need a complete catalog record? What does your record give you for what it costs you? Could you satisfy your patrons as quickly and as effectively with another type of record? When do you go to the checking record and when do you go to the card catalog for an answer to a document problem? If you are not using your records properly, should you re-educate your staff or change your record? I, myself, have my experience in a system which uses a complete catalog entry for every type of document—federal, state, foreign and all international organizations. I, myself, am convinced that the card catalog gives a complete, easily available record for these documents, that is, I am convinced that the record is very efficient for one who is trained to use it—but I am not convinced that it is the best record for the library user, however. So, you see, this brings us back to the old argument of whether the catalog is justifiable if made only for the few staff members who are trained to use it, or whether another type of record—much less expensive to maintain and equally complete and effective, should not be made in its place. The answer to this question must be decided by each library administrator in the light of his own peculiar situation.

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CHAIRMAN CHARPENTIER: Are there any questions, amendments, observations and so on?

Now thank you all for coming, and I declare this part of the panel adjourned.

[The meeting recessed at 5:10 o'clock.]

MONDAY EVENING SESSION

June 27, 1960

The panel on "Possibilities of Innovations in Research Methods for Law," convened at 8:45 o'clock with Mr. Vincent E. Fiordalisi, Librarian, Rutgers University Law Library, presiding.

CHAIRMAN VINCENT E. FIORDALISI: About four years ago we had a panel presentation in which we discussed in part the concepts of information retrieval. At that time we invited several outside specialists—specialists from a field outside the law.

I am afraid at that time a good many of us went out by substantially the same door that we came in. I don't think we understood a substantial portion of the language.

Well, I have been told that four years ago if we discussed this sort of thing we were way out in left field.

How far out in left field we will be this year, I don't know, but when I spoke with Myron about his participation on the panel he quickly apprised me of the fact that there was some sort of a semantic fog at a minimum, and at that point I undertook to ask him as to whether he would not clear up to the extent that one is able to clear up some of the semantic fog that is in this area, particularly when one talks about documentalists, librarians and semantics, and he consented to do this. Myron Jacobstein.

MR. J. MYRON JACOBSTEIN: This evening we are here to discuss the possible use of machines and other techniques in legal research and in law libraries. All around us we observe the advancement of machines and automation. Naturally, it is to be expected that librarianship also feels the effects of the new technology of electronics.

A perusal of business journals reveals that the use of electronic computing machines is now an integral part of business management. One system claims by proper programming to be able to make all the necessary management decisions for the operation of a plant.

Concurrently, many in the legal profession have expressed concern as to the adequacy of our present methods of legal research.[1] In a recent address Charles Rhyne, past president of the American Bar Association, stated "True it is that lawyers are using 'horse-and-buggy' methods in the age of 'jet,' but it is untrue that these methods are unchangeable. In an age of change, we can and we will change. . . . The greatest change must come in the way we do our work, especially research. We must find faster methods of finding the law. A new method of indexing legal materials is badly needed and none has been developed in the past fifty years or more. Perhaps we can harness the marvels of the electronic age and thereby increase our productivity and income."[2]

At the same time as the profession itself recognizes its inadequacies in the legal research field, law librarians and their methods have come under attack. Dean Warren of Columbia University, in an address before the American Association of Law Libraries, remarked, ". . . In the field of legal research, too little attention has been paid to the technological progress that has been made in the library world. I am shocked when I am told there are more than a million cards in the catalog of the Columbia Law School Library. There must be some simpler way of handling this terrible task. . . . After all, great progress has been made with all kinds of machines. Some of this must be applicable to libraries. . . ."[3]

It is not altogether true that we law librarians have paid no heed to this problem. This Association has had a Committee on the Mechanical and Scientific Devices to Legal Literature since 1953. Recently it joined forces with the Electronic Data Retrieval Committee of the American Bar Association, to examine mutual problems.

When one examines library literature, however, it is rather striking to

[1] See citations in Jacobstein, *Scientific Aids for Legal Research*, 31 Chi-Kent L. Rev. 236 (1953)

[2] 29 Penna. B. A. Q. 297, 299-300 (1958)

[3] 52 Law Lib. J. 350, 353 (1959)

find that there has been no critical analysis of the present method of doing legal research. There have been plethoric articles on the subject, but no objective and scientific study of the deficiencies of the present bibliographic structure of legal literature.[4]

It may help to review the allegations against the present methods of doing research and of the current techniques of law librarianship. To understand the charges made against legal research, it is well to keep in mind the traditional division of legal literature into primary and secondary sources. As librarians we are concerned with the latter. We long since abdicated control of the production and distribution of court reports, statutes, digests, and other primary sources of the law. Such works are planned, published, and sold without any consultation with the law library profession. In most instances, we have no alternative but to purchase what is published.[5] Thus, should machines replace the use of reports and digests in legal research, our role as librarians would not be unduly changed.

In our role in cataloging and classifying, in acquisition and selection of materials, in reference and circulation work, and in the dissemination of information about law books, however, we *are* vulnerable. In these activities, in fact, we find ourselves sensitive to criticism and feel uneasy when we read about new techniques and hear ourselves attacked as "old-fashioned"—perhaps even superannuated.

If the literature on use of the new machines in library work is examined thoroughly, however, it seems evident that they are largely concerned with the scientific. World War II and the Cold War have resulted in tremendous increase in scientific research. Estimates indicate that between nine and ten billion dollars have been spent on scientific research in 1958 alone. The resulting inundation of research reports created severe problems in the bibliographic control of scientific literature.[6] Many claim that the traditional methods of cataloging are no longer sufficient. As a consequence, scientists with no library training but with what seems to be unlimited amounts of money came into the picture. Libraries have become "Information Centers" and reference work "information retrieval." And a whole new vocabulary has come into existence. The literature speaks of "descripters," "Coordinate indexing," "Zator coding," "Rapid Selectors," "Peek-a-Boo" systems,"entry points," "permutation indexing," etc. A new profession, called "Documentation" has developed. Those who practice it are called "Documentalists."

[4] *op. cit. supra* note 1; see also Lewis, *Electrical Revolution in Legal Research*, 47 Ill. Bar. J. 680 (1959) as example of "glittering generalizations." It completely avoids coming to grips with the crucial problems of coding, costs, and the multitude of other problems in the machine searching of literature. For an article on the use of machines by lawyers for *non-research* use, see Freed, *Machine Data Processing Systems for the Trial Lawyer*, 6 Practical Lawyer 73 (1960)

[5] A recent example of the dilemma the law librarian faces is the announcement by the West Publishing Co. of the new *Modern Federal Practice Digest*. Law librarians had no advance knowledge of it until the first volumes arrived in the library with the information that the set will cost nearly $600! Similar examples can be cited, of course, as to other publishers.

[6] See figures cited in BIBLIOGRAPHY IN THE AGE OF SCIENCE (1951)

If this situation is examined from the point of view of a law librarian, it will be noted that the scientists were, and still are, confronted by the same problem that the legal profession faced over 75 years ago.

Imagine, if you can, that every court report, every statute, every session law, and every administrative regulation had to be handled as a separate document. This, for all practical purposes, is the problem facing the scientists with their ubiquitous research reports.

When some of the solutions of the problems proposed by the new documentalists are examined, it is readily seen that in many instances they are "old hat" to the lawyer and the law librarian.

It has been suggested, for example, that scientific literature, as a means of control, develop a citation system similar to Shepard's Citations.[7] The suggestion has also been made to cite each article similar to the way law reports are cited.[8] We have all been "Documentalists" without even knowing it! But does documentation offer solutions to the problems faced by law libraries?

Mention has been made to the lack of objective studies of the present state of our methods of doing research, and of the present practices of law libraries. It is easy to criticize much of what we do; for example, our methods of cataloging books and other materials. It is easy, also, to glorify the use of punched cards or magnetic tape. Unfortunately, the glamour of mechanization and the success of electronics and data processing has led to some less than objective comparisons of such techniques with the established ones. Too frequently such comparisons are made in immoderate language with emphasis on verbiage and jargon, rather than on facts.[9]

We librarians could glamorize our work, also.

Let me describe, for example, "an information searching device offering access to over several million pages of information through a million entry points including author, title, and subject. It can be used by many different people simultaneously, on many different legal problems through an ingenious cross-filing system. The finding of a single document is often possible through any of several descriptors. It is standing operating procedure to have the information sought in the hands of the seeker in full-size, readable form within minutes after the search is started. This device is known as the card catalog of the Columbia Law School Library."[10]

It is obvious that word play of this sort does nothing to answer the basic question — whether or not library work and the searching for information can be mechanized. But such uncritical reporting is constantly taking place. For example, there has been much written recently about "permutation indexing," or, as it is sometimes

[7] Garfield, *Citation Indexes for Science*, 122 Science 108 (1955)

[8] *A Code System for Scientific Literature*, American Documentation, Apr. 1954.

[9] See, for examples, the Papers in *Documentation in Action*, ed. by J. H. Shera (1956)

[10] Adopted with slight change from Melcher, *Primer in Machine Information Storage and Retrieval*, 85 Library Journal 909 (1960)

called, "key word in context."[11] The respectable journal *Chemical and Engineering News* recently ran a story about it.[12] Here is the headline of the story:

"Chemical Literature Gets Quicker Index. New ACS Publication *Chemical Titles* Uses Electronic Editor to Give Fast Access to Contents of 550 Chemical Journals."

Then, in the story itself, here is this statement:

"The new publication is the first regular application of an automatic indexing system worked out by the International Business Machines Corp. It can almost claim to be untouched by human hands during production." Actually, permutation indexing works thusly. By converting titles into magnetic or punched tape and feeding this tape into the proper machine, information will be printed out so that all the key words of a title appear in alphabetical form in a column down the center of a page. On each side of the key word up to 60 characters from the full title are printed from which the context of the article can be ascertained. Application of this method to legal periodicals would, for example, present on a page a column with the word "torts" (or another key word) and then the other words from the title on each side. It may be possible that this would work for chemistry, but one wonders what the machine would make of such articles as Dean Prosser's "Advice to the Lovelorn,"[13] or to an article with a title such as "Unprivileged Refusal to Reap What One Has Not Sown."[14]

This type of reporting is frequent, and—on first glance—appears to be a great discovery.

But anything more than a cursory examination will reveal that, despite the grandiose language, the machine is only a gadget—albeit an expensive one. The project described was financed with a grant of $150,000. Compare this with the new *Index to Foreign Legal Periodicals,* started with a grant of only $86,500, and which has produced a real index providing a key to the literature of foreign law without the use of any flamboyant methods.

It is much too easy to overlook all of the intellectual preparation required in the indexing of information. Recently the American Standards Association adopted standards for indexing.[15] These standards were made explicitly applicable to any kind of information indexing—whether for books, periodicals, or machines. For it was recognized by the American Standards Association that the essential processes an indexer engages in are similar in every instance. Compare, if you will, the index of Moore's *Federal Practice* with that of its leading competitor. The former is information retrieval in its true sense; the principal reason being that the index to Moore was done by a Miles O. Price, with intellectual standards maintained.

[11] Luhn, *The automatic derivation of information retrieval encodements from machine-readable texts* in Proceedings of International Conference on a Common Language for Machine Searching and Translation (1959); Citron, A Permutation Index to the Preprints of the International Conference on Scientific Information (mimeo).

[12] 38 Chemical and Engineering News 27 (1960)

[13] 3 J. Legal Ed. 505 (1951)

[14] 12 J. Legal Ed. 201 (1960)

[15] 83 Library Journal 1351 (1958)

It makes no difference if the indexing is being done for a treatise or for an IBM machine. Someone has to do the original thinking. If Miles O. Price does it, it will be a good index. If a hack does indexing, it will be poor "information retrieval," regardless of the kind of machine used.

Thinking has not yet been automated.

It is important, above all, to keep in mind that what we as law librarians are doing is not necessarily archaic or outmoded. Innovations are welcome indeed, if they will improve the informational and bibliographical services of law libraries. However, at the same time we have a moral duty to expose the false prophets of bibliographical control. Each new proposal must be able to bear close scrutiny. When it does not improve our present methods, it is our duty to speak up.

Let us take as an example a criticism of our present method of finding case law.

An article[16] a few years ago pointed out that in a case[17] involving the interpretation of a labor contract, the court's decision was based on the doctrine of frustration of purpose. However, the only Key Numbers assigned to this case were those of Labor Relations. The author then assumed that therefore this case would be lost to one researching the American Digest System under a Contracts Key Number. The author then went on to argue that our present methods were too antiquated for legal research and the answer must be found in the machine searching of court decisions. But no real attempt was made to determine if the case was really lost to other researchers.

Let us examine the proper steps in researching a problem in the frustration of purpose and see whether or not the case cited here would have been located in the normal course of events.

If one checks the Descriptive Word Index to the *Sixth Decennial,* under the entry "Frustration," reference is made to the Labor Relations Key Number under which the case in point is digested. Moreover, a check of the ALR Word Index leads one to an annotation that discusses not only the instant case, but similar cases wherein the courts have interpreted labor contracts. A check of both Williston on *Contracts* and Corbin on *Contracts* reveals that the former includes the case in its pocket supplement, but the latter does not. Both Corpus Juris Secundum and American Jurisprudence missed the case. But that is not too important, as any good researcher of the law should avoid the use of legal encyclopedias. It is thus apparent that this case is not lost if existing tools for legal research are utilized properly. One wonders whether similar checks of other criticisms of our method of doing legal research would turn up similar results. The fact is that we do not know. Does it not seem proper, therefore, before we destroy the system that we now have, that an impartial investigation be made of the existing techniques for legal research?

There is need for answers to at least

[16] Biunno, *Searching Legal Literature—An Appraisal of New Methods,* 46 Law Lib. J. 110, (1953)

[17] *Edwards v. Leopaldi,* 20 N. J. Super. 43, 89 A. 2d 264 (App. 1952)

three major questions before intelligent decisions can be made as to the direction of future progress. These are:

1. Is the literature of law actually as unwieldy as claimed? Is it really too time consuming and burdensome to find the law as it is presently organized? Or, is the problem primarily centered upon the inability of most lawyers to use the bibliographical tools now available?
2. Assuming that our present bibliographical apparatus for doing legal research is no longer sufficient, is there a simpler method of remedying this than the use of electronic and mechanical methods?
3. Assuming that machines could be utilized for legal research more economically and more efficiently than our present methods, is there any danger that research by machines will not allow "inspirational" or "hunch" research that is now possible? Before this can be answered, is it not necessary that we have more information as to how lawyers actually do research and use legal materials?

The importance of obtaining answers to these questions cannot be over-emphasized. The legal profession has in its totality of court reports, digests, citators, annotated reports and loose-leaf services, an elaborate bibliographical structure. The importance of assessing the answers to these questions may make it worthwhile for the present law book publishers, the American Bar Association, and the Foundations interested in maintaining the rule of law in this country to join forces and finance such a research project. The American Association of Law Libraries must be prepared to offer its support of such a project, and to supply the expert knowledge we have in the use of law books.

We law librarians must welcome innovations and be responsive to change. At the same time, we must not let the innovators discourage or frighten us into change just for the sake of change. All would do well to ponder the words of Daniel Melcher, Vice President and General Manager of the R. R. Bowker Company:

1. It will be a long time before any device beats the card catalog for finding a document by any single piece of information such as author, title, or subject.
2. The problem of information indexing is separate from the problem of information storage, and should be thought of separately.
3. Nothing can be retrieved that has not been properly ticketed before being stored, and for the present this ticketing is going to have to be done by old-fashioned catalogers, using old-fashioned human brains, susceptible to old-fashioned human frailties, as regards to analysis into headings that will prove helpful in problems foreseen and unforeseen.[18]

With these thoughts in mind, we can view the changes proposed and those to come, confident that, in the future, as in the past, we will adopt innovations, when useful, and continue to perform our historic task as law librarians by making legal information available to the legal profession to the best of our ability.

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CHAIRMAN FIORDALISI: I am sure that you are happy to know that you have been documentalists, that the West Publishing Co., and other publishers may take note to change their language, and instead of using "Descriptive Word Index" they should begin using the terminology of the documentalists and call them "descriptors."

[18] Melcher, op. cit. Note 10.

I am also sure the *Chemical Titles,* which is this new publication is so startlingly new that no one in the Association of American Law Libraries had a chance to really consider it. However, in chatting with Bill Stern who seems to know just about everything on this subject, he said that in a sense they had approached IBM and had been told that the quantity of material being handled by legal periodicals was much too small to be handled by the IBM 9900.

Now when you get to the question of the quantity of legal materials, you begin to wonder. Forty years ago the legal-medical profession did not have very much by way of legal literature, and they had no real problem with their documentation, but about forty years ago the number of periodicals in the field jumped from approximately the same number of presently indexed legal periodicals to 105-fold the amount. About twenty years ago the same situation occurred in connection with the scientific periodicals. They were cataloging or had somewhere in the neighborhood of 120 chemicals. In the short course of the twenty years that elapsed the number of periodicals so burgeoned, so grew that it was pretty much impossible to handle the periodical literature through the traditional or conventional methods.

I am sure that we are all agreed that we try to do the best job we can with the materials available, but what if there is the twenty-year lag between the type of literature resources that occur in the other professions? What happens if this happens in law?

Well, I am afraid that our only answer is that to the extent that we are aware of the possibility of this sort of thing happening, it must be necessary for us to keep abreast of the developments in the work that they are doing with the possible application to legal materials.

With this in mind I asked Morris whether he would bring his mind to focus on the concept of the hardware available and what it does in what areas. We know of no perfect system. We discussed this in terms of components, in terms of functions. No one is describing or setting out the ideal system for use tomorrow, or I would say the scrapping of every system known in the history of law, but there are developments in the machine art, and Morris is going to tell us something about the present state of the art.

MR. MORRIS COHEN: Coming on after Myron's moving defense of Miles O. Price and the Columbia Law Library catalog puts me in an awkward position. Although I came here to describe the state of the machine art, I now find myself in the position of having to defend these cold electronic monsters against my own boss. Neither by inclination nor conviction can I speak ill of him or knock those million catalog cards which are the rock of my salvation. Mr. Price, the indexer, is a documentalist, however, whether he admits it or not. And Columbia's card catalog is documentation at its best. So is Shepards and the decennial digests and the loose leaf services, and ALR and even Jacobstein and Pimsleur's ever helpful "Law Books in Print."

Documentation has been defined as "the science of collecting, storing and organizing recorded information for

optimum access and specificity" or more simply "classification and dissemination of information." All that Myron wants to preserve is documentation so defined. And I would not give up any of it either. Documentation is librarianship at its best.

I disagree with Myron when he sets up a documentation straw man of just those frontier areas of research which are still most removed from immediate application. It's easy to knock down these vital, but still uncompleted plans, with the power and majesty of the Columbia Law Library. Of course a creative engineer's plan for a split second electronic retrieval system can't match last week's New York Supplement advance sheet when it comes to today's bread and butter research in Oswego, New York.

But that is no reason to turn from serious attempts to solve real problems with the best scientific knowledge available to us. We must take a critical approach—but first we must investigate and explore what it is that is being done. Criticism without knowledge is worthless.

What would Myron have us do about the mountains of oversize official gazettes of the great European legal systems rotting away in the East Vault of Kent Hall? Books of impossible size requiring huge binding costs with crumbling paper, arrive in unending quantities. All of it is invaluable primary material which must be preserved. A cooperative project to put all these gazettes on microfacsimile is undertaken—that's documentation. But we could go further. We can now put all the microfilm containing all these gazettes in a machine which would locate any page in less than a second and then offer the user his choice of TV screen image or positive copy. Where is the space to store the infinite? Where is the time to retrieve the endless? Where is the money to bind the immeasurable? These are the problems of the documentalist, and also I think, of the librarian. And here I think we do often operate with horse and buggy methods.

I agree that we must examine costs realistically. But to do this we must know something about these machines and this I take it is our business here. My talk will summarize a few machine developments, the leaflets I have arranged to distribute offer much more information and the bibliography of sources should enable you to follow future developments.

There is growing evidence that traditional methods of librarianship cannot cope with the growth of legal materials. Storage facilities and methods are insufficient—for example, at Columbia the records and briefs of the Supreme Court of the United States, for one year, occupy five full faces of seven shelf stack and cost $1,000 per year to bind. Retrieval and collection of data is unsystematic and shallow—it often takes days to survey the law of each of the 50 states on a single point. Dissemination is wasteful and inadequate—hand copying of long passages of text is still common in many libraries. Yet in law, as in other branches of librarianship, we have not only avoided facing these problems, but have also neglected and ignored the efforts of those who do work to solve them.

The specialists in these areas—

called documentalists—have become anathema to many librarians, although most are themselves librarians by profession. Yet in documentation serious efforts are being made to develop a librarianship commensurate with the growth of literature. The loss from this estrangement of librarians and documentalists is twofold. The best work of the documentalist is being hampered by his isolation from librarians and library users, while, on the other hand, the librarian's efforts are limited by the inadequacies of traditional methods of access to information. My concern here is with the loss to the librarian, not the documentalist. We must make ourselves aware of what the machines can do for us—in effect, we must become aware of *the state of the machine art*. The danger is not that we will be replaced by these machines, but that we will be replaced by other librarians who understand them and are willing to use them to advantage. The machines cannot exist without librarians. Although they are inevitable in certain areas, they need us to determine their proper function and to guide their use.

I hope in this brief report on the State of the Machine Art to tell you about some of the exciting new resources which are at our command and to persuade you of the professional challenge they offer. I speak as a librarian, not as a documentalist, and my understanding of these machines is basically that of a layman. In this one case ignorance may improve communication and I will leave technical explanations to our more knowledgeable colleague, Vincent Fiordalisi.

The most important thing that can be said about the machine art today is that the technical potentiality is virtually unlimited. The devices are versatile beyond our imagination. But the costs remain high—much higher than they need be. Prototypes are expensive—developmental models made on an experimental, trial and error basis cannot be attractively priced. Librarians, when hearing about cost figures of a quarter million or a half million dollars, lose interest in disgust. But if we could agree on what we wanted from an information storage and retrieval system and a hundred such machines were subscribed, the costs would be quite reasonable. These hundred machines could be divided among the ten largest cities in the United States and used cooperatively by ten different groups of specialized libraries. If each device were supported by five or ten law libraries, or medical libraries, or scientific libraries, in each of those ten cities, the cost to the individual subscribing library would certainly be within reach. But the last speakers on this panel will go into that in more detail.

What exactly are the functions that can be performed by these machines which justify our interest and money? Primarily, the functions are those of storage, retrieval and dissemination. That is, they provide storage of large amounts of printed material in a compact space; they offer access to such material quickly and cheaply; and they make the information available to the user in different forms at the same point in time and space. This versatility of performance can be seen

in the following accomplishments of one already-constructed system. This device is based on a ratio of reduction of 120 to 1 for storing photographic copies of printed material on sheet film. It can thereby store one million ordinary book pages in one cubic foot of space. The same system offers mechanical access to any of those one million pages within one second of selection. It presents the selected page to the user either on a television screen, on positive photographic copy or on a microfilm strip, at his choice. These alternative modes of access are available at the instant of selection at the central storage point. They also can be projected by television screen to multiple locations anywhere in a 25-mile radius. That particular system, the Verac 903, was built by AVCO Manufacturing Company under contract with the Council on Library Resources. Its single pilot model cost about $400,000. Although it illustrates great technical achievement, its commercial development at lower cost will depend on the interest that librarians—that is, you and I—show in it.

There are many other noteworthy variations in development and approach to each of the three functions of storage, retrieval and dissemination. The solutions which AVCO achieved are not the only ones possible, nor necessarily the best ones. Outstanding accomplishments have been made in *storing* material in other ways than by photographic reduction on sheet film. Micro-opaques like microcard and microprint are durable and easy to handle. Punched cards provide a great diversity of functions for technical services as well as offering easy retrieval for reader use by subject selection. Magnetic tape also provides access to information by various classification and subject approaches—the potentialities of its use in large computers are just being explored. In law, both Western Reserve and the University of Pittsburgh Law Schools have employed tape successfully with legal materials. Microfilm and microfiche have been used especially in European libraries to save space and costs. Selection by subject, key words or ideas, or other means have also been developed with microfiche in systems like the French Filmorex. All of these forms have been used successfully with *legal* materials in many of our own libraries. Yet, I am sure we would all agree that none has been anywhere near fully exploited.

Retrieval methods also show wide diversity. Subject classifications, coded descriptors like key words, coordinate indexing and other multi-faceted classifications can be used with most of the above materials. These can offer cases in point or relevant statutes via such key words, subject categories or even in response to questions of law. In addition, retrieval can be based, as in the AVCO system, on the *fixed location* of a particular page. That is, you can select material by volume and page in a particular periodical or find, by number, one of a long series of reports or documents.

In the *dissemination* and *distribution* of this stored information, equally varied possibilities exist. When the desired data is located, it can be projected onto a television-type screen, or

reproduced in positive copy or on microfilm. The great reader opposition to some forms of microfacsimile may be reduced by these alternative choices. A faculty member at Columbia has used with satisfaction a microfilm reader-printer which is now getting a good market in this country. It holds microfilm, projects it on a regular microfilm reader screen and permits instantaneous positive copies of any frame to be made and removed by the user. These are white on black pictures and quite inexpensive. Of course, this machine is a very simple device, merely combining a reader and a copier, but its current acceptance by academic libraries and users may indicate a break in reader resistance in this area.

The use of electronic computers and scanners have been undertaken in the related areas of indexing, abstracting and translating by machine. Although amazing progress has been made, particularly in auto-indexing by IBM, these areas of machine development are still in their relative infancy. Premature and exaggerated claims of progress by the manufacturers may, however, delay the ultimate time of acceptance. A recent story in the New York Times lauding IBM's progress in developing a mechanical translator was accompanied by a garbled translation from Russian text produced by the machine. This sort of uncritical publicity brought more scoffing than praise for what was in fact a significant advance. As the most interested group in this work, we librarians, however, have a duty to keep aware of these developments. A letter of interest to your local IBM or Rem-Rand office will probably elicit a number of pamphlets concerning current research and development in this area.

Myron says that as librarians we are only concerned with secondary sources, having abdicated the control of production and distribution of primary sources to publishers. But must we be satisfied with the service they give? Is it not wasteful that almost daily at every law school and bar association, some poor researcher, not usually a librarian, goes from state code to state code surveying the law of every jurisdiction on one point? This can be done once, centrally, and made available to all quickly and cheaply by documentation. Of course, human indexers did the Columbia's Index-Digest of State Constitutions and human indexers will probably work on the Index-Digest of all State Statutes whenever it gets done, but the latter will be more efficiently stored in a machine on cards or tape than in books, even loose leaf books. And if key-word in context machine indexing goes through the whole text first and lines up all appearances of the key legal words, none of us can deny the great value of such a concordance to the human indexer.

It is difficult in a brief survey like this to present the technical details of how a computer can make an index or an abstract, but the literature on it is abundant and can be rewarding under diligent study. Although it is unlikely that auto-indexing will ever replace Miles O. Price, or other skilled indexers, it may very well simplify and shorten his job in the near future. The state of the art is such that sim-

ple, but quite usable, key-word indexes *can* be produced by machine. Of course, they are not final products but they do reduce the drudgery and scut work and save the time of the human indexer.

The area of machine documentation which has received the widest acceptance is that of the copying machine. Almost every major bar association now has one and many law schools and firms are adding them. Despite the misgivings of some librarians about copyright law and morality, photographic copying of book material has become an accepted service to the patron of law libraries. This too is documentation. Although none of the machines is completely satisfactory, each year's models show significant improvement and refinement. The most outstanding desk-size copier appears to be the new Haloid Xerox 914 Copier. It can copy any document up to 9 × 14 inches, including colored material, and can copy bound volumes or single sheets interchangeably. It makes copies of any stock at the rate of 6 per minute and the copies are dry, permanent and reputed to be sharp enough to "father" second and even third generation copies. The machine can be set to make multiple copies automatically and then shut itself off. This feature could undoubtedly be adapted for catalog card production. Unfortunately present library use will be limited by the high rental of $95 per month, but Haloid is supposed to be developing a smaller, cheaper model for the mass market.

In view of the great user demand and the attractive choices and prices on the current market, no law library need put off purchase for some utopian model. A complete review of current copying models and methods appeared in the Spring issue (1960) of *Library Resources and Technical Services.*

The use of xerography for book reproduction, particularly of rare, out of print items, continues to increase. This technical development certainly has aided research by easing o.p. acquisition problems. University Microfilms' last catalog of 63 pages included many legal rarities—Winfield's "Chief Sources of English Legal History" is available in virtually unlimited supply at $13.75 a copy. When that book appears on the market otherwise—once in two or three years—it gets at least $25 and as high as $50 a copy.

Going back to the primary documentation functions of storage, retrieval and dissemination—I have discussed them separately and would now like to mention their use in multiple-function systems, other than the AVCO Verac 903. AVCO located stored documents directly by their fixed location only, rather than by subject or category. The Automatic Microfilm Information System —AMFIS—whose leaflet is available here is another type of fixed location system. It, however, locates the desired document by scanning on the rapid selector principle.

A number of other systems attempt to store and retrieve documents on the basis of coded information indicating their detailed subject classification, conceptual relevance, key words, chronology, or other factors. These devices sacrifice the speed of a fixed location retriever which goes only to a selected document. They require scan-

ning of *all* the stored documents to select those containing the desired information. But they, of course, provide a much more useful research function by collecting all relevant material. An example of this system is the French Filmorex—whose brochure, distributed here, describes the system in detail. It employes microfiche—a negative film slug about the size of an IBM card. Half the film strip contains the document itself and the other half the coded finding numbers and subject descriptors. The film strips pass through a selector which retrieves those answering the researcher's question or containing his desired information. The strip can then be read on a microfilm reader, enlarged into positive copy or duplicated on continuous microfilm strips.

Magnetic tape has also been used for this type of complex subject retrieval. Information, including legal materials—both case and statutory—can be encoded onto tape along with descriptors in the nature of key words. The tape is then scanned and retrieved in computers in response to coded "questions" or searching words. The operation essentially seeks to match related words or word groupings—that is, the identifying words of the stored document with the descriptor words in the inserted question. When the match is made either whole documents or citations of relevant information are reported out in response to the query.

Two interesting applications of this more sophisticated technique have been made in the law field. John Horty, Director of the Health Law Center at the University of Pittsburgh Law School, directed a project wherein 431 hospital statutes were put first on punched cards, then on magnetic tape, in an IBM 650 computer. Relevant statutory material from this collection was retrieved in response to key word requests. Since the full texts of the statutes were stored in the computer, the results of the search could be printed in three different ways—either document numbers of relevant statutes, citations of the statutes, or the full statutory text. Horty's group hopes to expand the program with the more advanced IBM 707 computer to include a broader area of health statutes and regulations.

A group at the Western Reserve University Law School, in cooperation with its Documentation Center, encoded for machine searching a portion of the Uniform Commercial Code of Ohio, along with a number of Pennsylvania cases interpreting the U.C.C. there. Relevant sections of the code and cases in point were selected by the machine in response to questions fed into it. The experiment was a simple one but indicated the future possibilities of such equipment in legal research. Although human research skills with the Ohio code and the Pennsylvania Statutes Annotated would probably have been faster at this point, these exploratory operations have great importance for more complex tasks to come. Western Reserve is acquiring a new high speed computer, the G.E. 250, which scans tape at a very fast rate and can carry on up to 15 searches simultaneously. This device will permit expansion of their law activities, as well as other information retrieval projects.

In conclusion, I'd like to answer the questions Myron raised.

Yes, I would say that the literature of the law *has* gotten unwieldy in some areas. It *is* getting time consuming and burdensome to find the law as presently organized in these areas. In some of these areas I agree that there is a simpler method of remedying this than by machines—I agree that we should hire more reference librarians and pay them more and, I guess, distribute more and more copies of Price & Bitner. In other areas, however, machines *are* the simplest answer. True, the machines do not allow "inspirational" or "hunch" research—as presently constituted they don't do much research at all—but they have other uses which aid research—they do store, they do retrieve on some limited bases and in the future will undoubtedly improve in retrieval, and they can disseminate. That the card catalog is not a citation service is no reason to throw it out. So too let us look to what these machines can do for us. We need both the Verac 903 and good reference librarians like Joe Andrews and Ernie Breuer.

The machine technicians are exploring many functions that librarians are still slow to admit may be mechanically performed. They need our counsel as to what work is most needed and what present functions are most expensive in time, labor, space and money. The costly research and experimentation going on in documentation can be directed to our benefit and purposes, if we interest ourselves in the work being done.

I leave the questions of feasibility study to the last speakers on this panel. What questions must the librarian ask to determine the applicability of the machines to particular jobs? When can the machines help us in the library?

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CHAIRMAN FIORDALISI: As you can see, there is no real unanimity of opinion among the members of the panel on any given subject. However, it would seem that storage, retrieval, and possibly one area of law, that area that is impossible to obtain by current known methods, I am sure that we will all agree that it is pretty difficult to find foreign law in the American Digest system.

Now there may be better and more complex systems of finding foreign law in other countries. I am also sure the panel this afternoon gave some indication of the difficulty that one might have when one starts to look for materials of an administrative nature emanating from one or more of the forty-eight sovereign states, not to say anything about the minor organizations within the state itself. I understand that one of the House investigating committees is having some difficulty trying to get materials from a local authority. I think it is called the Port of New York Authority, another governmental organization. Not that this has anything to do with our problem tonight.

Let me get back to the subject that we were discussing originally. In a sense I am not always cost conscious; sometimes I am cost conscious, and the idea may be practical. It may be feasible. It may even be possible, and then again it may even have a firm foundation in the current economic structure for support whether it is by an old means or a new one.

Not always trusting my own judgment, I went to some of our firm librarians, and I asked them if such and such and such a project was set up, a documentation center for materials presently unlocatable in any known system, what kind of questions would we have to ask in order to find

out whether it is going to work and be financially self-sustaining. We don't have all the answers. I am sure that nobody has all the answers, but we do have some of the questions. Jack Ellenberger agreed to go ahead and discuss some of the cost factors in such a project.

MR. JACK S. ELLENBERGER: I have to approach this largely from my own experience which is in downtown New York and in a large metropolitan area with a large legal practice, and for that reason we will have to leave for a while, I am afraid, Moringside Heights and Port Hudson and go downtown for the law practice.

To the lawyer practicing in the large metropolitan area, the cost of processing and maintaining his library has today become a problem of staggering proportions. This cost has easily doubled in the past ten years, but this alone is not an essential problem as long as the firm or company library establishment pays its way in terms of the time and money spent on it. The crucial problem is one of space and there is probably not a person here who does not have to contend with it. However, to the large metropolitan law practice, storage costs are presently overwhelming and often with established clients and an established address there is nowhere to go. It is at this point that many of the larger firms may start thinking in terms of a central electronic documentation center, distant though this concept is right now.

As soon as a group of law partnerships are convinced that the time is ripe for a documentation center, that it is feasible and has a prospect of successful operations within presently available space, these businesses will then want to know what such a center will cost and how much money, for the most part, it will save in furnishing legal materials not now available locally or in a form which can be profitably used at the present time.

Since the firm librarian will doubtless be responsible for the acceptance and use of any retrieval system and will have to relate the documentation service to existing resources, cost will probably be within any analysis of the librarian's job and the budget that he is working with.

At any rate, whoever is responsible for the decision to use or the operation of retrieval equipment in the firm, this person will want a close examination of the cost factor for such use. As a matter of practical economics, in reference to this whole discussion, I have decided to refer to cost as the expenditure necessary to operate the documentation center as its source and to refer to price as the expenditure for its service by the law firm user.

As Mrs. Jessup and I were preparing our remarks for this panel, we were struck by the importance of this cost price factor in relation to the amount and type of material which can be supplied by a documentation network and agreed that cost of operation, price to user and type of material supplied would be inseparable items in bringing the network into existence and preserving any large law practice and that its use would be a solution of current problems of storage and maintenance. Naturally, the type of information available from a center will determine its usefulness to the individual firm

and the degree of flexibility possible in supplying this information will make a documentary service more attractive to a busy law firm dealing with a variety of corporate interests in a variety of jurisdictions.

Since we are entering unchartered territory and there are more questions than answers presently available for discussion, I would like to add a few more as representative of the type of inquiry we will face in establishing a documentary center in a place like New York City.

1. Initially once a center is installed or reaches a point of feasible operation, its prospective user will want to know if it will serve the individual practice and its client interests and how often can this service be used with profit in ordinary working time saved. It seems to me that before a law firm can be expected to spend a sizeable amount on a subscription to this service, the service usage will have to be fairly constant.

2. Will the services of a documentation center supplant, infringe upon, amplify or possibly duplicate resources and resource methods now available? This question is important because the type of material processed and furnished by a center will not only influence the selling factor of the system, but its production cost. In other words, before attempting any radical change, there should be some study of whether standard operating techniques are now adequate or whether they should be given up for a system which will have to be much more efficient than what has been left behind in adapting electronic retrieval processes.

3. When and if the price to users of the documentation center service is established and accepted, the metropolitan law practice will want to know how this price should be handled. Depending on the information available, time, personnel and equipment necessary on the receiving end to transcribe it for use, very likely the price or cost to user would best be handled as a subscription service fee, renewable periodically. Practically speaking, this would make the center responsive to new practice specialties and methods of information retrieval without committing the larger user to a capital investment which could not be charged as his practice charges.

Assuming that the documentation network will be operated on a subscription service basis, there will certainly be some question as to how much additional work will be necessary to make the service available to the user. Basically this means what additional library staff would be needed to implement the service as it is received in photo duplicator or from magnetic tape or various other means of reproduction and transcription.

It is clear that any additional staff processing or translation of information as it is received will increase the price to its user and he may be, therefore, less willing to accept its use. At this most formative stage, it seems to me that any additional processing in the way of translation or decoding must be handled by the producer so that information furnished on foreign law or legislative history will be completely ready for use as it is received in the firm library. This will mean, of

course, that operating costs of such a system will have to be passed on in subscription price, but this is far more practical than requiring additional staff and equipment at the point of delivery and will make the service more appealing to a large law practice.

4. Obviously, in all of this, there must be some criteria for establishing production costs of a documentation center as required by staffing, speed of transmission to the user and implementation for practice once it is transmitted. Since a lawyer's time is his most important business asset, any system of electronic information retrieval must be geared to his practice schedule and his highly specialized needs. The best way of defining any criteria is through direct inquiry to those persons who must ultimately set it and for doing this, nothing has yet taken the place of the comprehensive survey.

I understand that a joint ABA-AALL survey is proposed which will determine interest in the establishment, operation and cost of a documentation center in a large metropolitan area and I assume this area will be New York City. Assuming this plan is carried out, I strongly recommend that the survey furnish a practical understandable blueprint for proposed operation of the center and along with this, some searching questions on the cost price factor as related to the proposed needs of those law firms and businesses contacted. I suggest the following points which might be used in completing a survey:

1. Assuming that certain types of information will be available from the center, how much would a business be willing to spend on it, as an initial investment or on a less formidable subscription basis?

This question, I think, should be linked with some type of graduated scale of service fees in proposing a subscription method of operation.

2. Assuming certain types of information will be available, we should point out that it will cost more to deliver it fully decoded, processed or translated, thus relieving the firm of additional expense for equipment and staff at the receiving end. Form and content will thus ultimately determine price to the user and we must know these things before costs are established.

3. Looking at this project from the viewpoint of a law firm librarian, I think we must determine what present information resources are currently satisfactory and how much it will cost us to give up what we have, pending the eventual success of the documentation center and what we hope will be an attendant greater efficiency in research methods.

4. Considering the space problem in many of the law firm libraries, the firms will want some idea of costs of installing reception equipment so that it will be available to everyone who wants to use it.

I realize that my remarks have been cursory and at this point most general, but prehaps I have indicated some basis for the complex problems involved in financing a documentation center which will have to be responsive to many needs and great change if it is to be a success. The need is great for an electronic re-

trieval service in a city like New York and it may appear that there is adequate means of paying for it, but before we suggest operation of this service, we must succeed in absolutely convincing its users that its costs of operation and cost of performance is clearly in line with the price they will be asked to pay for it.

CHAIRMAN FIORDALISI: I don't want to be trite, but difficulty always arises, I think, as to which came first the chicken or the egg, and we don't know how much it is going to cost unless we know what it is, and we don't know what it is unless we know how much it is going to cost.

Now how much it is going to cost or what it is depends to a very large extent on what it is, and how expandable it is. None of us have the answers. We haven't tried anything like this yet. None of us know whether it is going to be better than the present methods that presently exist. Until such time as you get some kind of standard of comparison in such area, it is going to be impossible to answer the questions unless somebody starts some place. I know it is an expensive show, but some kind of a show has to get on the road at some point in order to begin to answer some of the questions.

Now each time somebody starts to talk about this one raises the question of how much is it going to cost, and who is going to do it? In the scientific fields they hired an authority in Cleveland. I think it was Operations Research, and the Acoff group in Cleveland decided to do a thorough experiment on how does a scientist do his work, and what does he do?

I am not going to tell you the answer because it is very astounding, at least from my point of view it was astounding, and I don't know what materials they examined, but as a librarian I began to get the idea that these scientists are an awful lot like some of the lawyers we handle. However this may be, we found in this particular study a tremendous amount of material was not used by scientists because it was not readily available.

Now Mrs. Jessup who is also a "firm" librarian undertook to include in her remarks something on the nature of the expandibility, the scope and the variety of materials that might be included.

MRS. LIBBY JESSUP: All this discussion of mechanization reminds me of a story of two secretaries who were discussing a new office machine. "You know," said one, "That machine will take the place of three men." The other replied, "Shucks, I would rather have the three men." [Laughter]

This reflects the attitude of many lawyers towards even those very much accepted mechanical devices like microfilm readers and things of that nature. The feeling is there is nothing like a book. It's a pleasure to have a book in your hands.

There was a cartoon in an English magazine which showed a book-lined room with the caption: "Books make such nice furniture."

I have always been tempted to juxtapose that cartoon with one from the "New Yorker," which most of you probably have seen, which shows a similarly book-lined room with two lawyers in it, one busily scratching his head, and the other one obviously

frustrated, saying, "The answer is in here some place. I know it is."

Well, I am not intending to be frivolous about this thing, but humor does have a way of pointing up the problem. I do not for a minute believe a machine is going to replace a man or card catalog or things of that nature. No one has ever taught a machine to ask a question. This is an analytical process in which the human being is peculiarly adept at indulging.

The point I make is lawyers are traditionally conservative. They are furthermore very busy. It is going to be difficult to wean them away from the old pattern.

The very complexity and pace of their existence makes it difficult for them to find time to examine new devices. However, they are businessmen. They will welcome a ready source, mechanized or not, of materials which are difficult to obtain, or which are expensive to acquire, or which may result in a saving of space, that very precious commodity in most metropolitan law offices.

How readily they accept this mechanized information will be further affected by such simple facts as: Is it an expense which can be set off against income, or in other words, will they have to acquire a machine in order to benefit from it? Clearly, I think the answer at this point should be in the negative.

The second question is, how much will it cost me, a question which Jack Ellenberger discussed at some length. The third question is: What will it give me in the way of services and materials?

These are not easy questions to answer for the circle is round. That is to say, the answer will depend to some extent on what lawyers want from the machine. It seems to me that this is where the scope and variety of coverage becomes important.

Basically, this means what materials or information are lawyers interested in, and how intensively must it be prepared for them? Against the background of previous remarks, this means: What can they get elsewhere? Or if it is available elsewhere, how much will it save them in money, time or space?

At the present time I believe that probably the most fruitful place to start is in the area of materials they cannot get elsewhere. It is my thought the greatest hiatus in the private practitioner's library today is in the field of foreign law, a field which is bound to become increasingly important. While it is true the American lawyer will consult foreign counsel, this comes after he has already investigated the legal implications of, for example, setting up a branch in that area, or has investigated the feasibility of a business proposition having its situs in such country. Furthermore, most large firms place great reliance on their own researchers, and third, they must in any event be generally informed as to the foreign law.

A number of agencies, the United States Department of Commerce, various banks and brokerage houses, not to say anything about Harvard Law School, have produced some material in the foreign law field.

Efforts have been made to fill the gap, but I don't believe anyone will claim the gap is still anything but

yawning. The reason probably this vacuum exists is the prohibitive cost of translating a body of law where the consumption is casual or occasional. This seems to me to be an area where the machine can render invaluable service.

Probably at the outset the materials could be fed into the machine in the original language to be translated only as the need arises either at direct charge to the subscriber or at a cost to be absorbed in the regular service charge.

Some classification of the foreign law material would have to be achieved to render the material intelligible to the user or the person remitting the information.

The problem of translation, I suppose, could also be resolved by having in the machine perhaps a list of translators or using those translators which the bar association may make available to them.

Another field where electronic retrieval or mechanization would be attractive to lawyers is that of legislative history where the great bulk of material is very discouraging to anyone with a space problem. Here again the need is occasional. The cost of adequate current servicing is extremely high. The cost of binding and storing is also high. This type of material is ideal. It can be done entirely on a prospective basis. That is, starting with a specified session of a specified legislature. It needs little classification or analysis since it is generally sought in connection with statutory or code materials, the session or code designation possibly supplying the basic need to the source materials.

Another field where it may be desirable to start electronic retrieval is that of local regulation. A great body of material is difficult to keep current —only occasionally sought but must be specific when sought.

An electronic retrieval device may be used in different ways. This is another way of saying that the depth of the approach may vary with the subject matter. To the extent that materials must be translated, analyzed, indexed in detail, encoded in many ways, the costs undoubtedly go up, perhaps to the extent of making it impractical to purchase the service, particularly if only occasional use is made of it. This is basically a question for those familiar with the economics of the installation and operation of the machine to answer. However, a subscriber does not want to pay for services for which he may never have a need. Should it prove too expensive to feed in the materials, the substantive materials, into the machine, it seems to me there are additional methods of utilizing it. Basically, these are bibliographical and with, for lack of a better word, what I call directory information.

Bibliography is just what all of us know it to mean, a listing of materials preferably annotated with point of availability or the source.

Under the category of directory items I would include lists of cooperative libraries, translators I mentioned before, perhaps commercial and other foreign attaches who have been a growing source of current information to the attorneys in the foreign areas.

It seems to me the field of foreign

law would be a good point of beginning, a small but vital area where a real service could be rendered.

To summarize, it would seem that we need to get the answers to two basic questions about the coverage. How wide an area should be covered? In other words, what subjects are of interest to the eventual user. And two, how deeply do you want to delve into the subject?

The depth of investigation into the subject does not, I believe, need to be uniform with all subjects. In other words, while the superficial coverage of local regulation might be sufficient, you might want to cover the legislative history quite exhaustively, or to state this another way, while it might be enough merely to identify the material in one area, in another area you might be required, and it would be desirable, to produce the material in exact language as the original. Thank you.

CHAIRMAN FIORDALISI: None of the panelists have agreed to answer questions, but I understand there is an ancient custom that all panelists must answer questions.

Now, if the storage units in the human machines are working and the questions have been stored until the appropriate moment, it may be that there are some questions you would like to direct to the individual panelists. May I suggest that for the sake of the human element, the efficient recording of the question, would you please state your name and the panelist to whom the question is addressed.

MR. GERALD J. SOPHAR [American Documentation Institute]: I just wanted to add something to your information which I think might be of interest to all.

You talked a moment ago, Vince, about machine translation. About four weeks ago at Georgetown University under the directorship of Professor Dosstar the first really successful translation was accomplished before a congressional committee. A 1500-word paper taken at random from analytical chemistry was programmed into a machine. A translation was made. A chemist was called from the Library of Congress completely unaware that he was to be called, and he was questioned as to whether he could repeat this experiment from the translation that was given. He made an unequivocal answer. He said, "Yes, without any difficulty."

It was not in beautiful English. This, incidentally, was from Russian to English, but he could repeat that experiment, so there has been an advance, a considerable advance in this field. You can interpolate it into your subject matter, if you will.

CHAIRMAN FIORDALISI: The remarkable part of the machine aspect of this is that improvement in the substantive areas are normally possible to incorporate into the machine structure itself at some future date, so that it is not static in that sense.

MR. ARTHUR A. CHARPENTIER [Association of the Bar of the City of New York Library]: Mr. Cohen, you confined your remarks in relation to the applicability of this particular type of process to law libraries. Would you say something about the possibility which I assume exists of bringing into this to help pay for it, if you will, such things as public relations departments

of oil companies and many commercial interests not necessarily legal.

MR. COHEN: Whenever you can get the money, Art, you know that. I think particularly Vince's idea of a documentation center in the metropolitan area is based on establishment of a world trade center there, of course, seeking to exploit the industrial interests. I agree very much it has to be paid for by the users. Whether the users pay for it directly or in their lawyers' bills or in their dues to the bar association doesn't much matter. They are going to pay for it.

I think they would be willing to pay for it, too, because I think they are the ones that demand the information and want it and ultimately it is their responsibility.

CHAIRMAN FIORDALISI: When one approaches this from the businessman's point of view, it might even be the participating bar libraries which might have to pay. [Laughter]

MR. JULIUS MARKE [New York University School of Law Library]: It appears to me that the panel has proven one thing, that the big problem here is the human element—ingenuity of man. Whether you are working with the book, or working with a mechanical tool or gadget of some sort, it is the human brain which must feed it. You get a good index with a good human brain in a book. You get a good mechanical device if some good human brain has fed the information into it. Therefore, it is a very simple matter for us as librarians if we recognize that mechanical gadgets can expedite the retrieval. All we need to do is to apply our human ability, our ability, our brains, feed it into this machine, and get it back. I think everything else will follow.

CHAIRMAN FIORDALISI: Myron, would you like to answer that question?

MR. JACOBSTEIN: I just want to mention one thing. Julius mentioned it is only a human element. I think we have overlooked quite a bit here—the economic, cost element. Now I don't want to leave tonight with the impression that I am anti-machine. I am not. I came here on an airplane, not by stagecoach, and furthermore, even at the library—I am out in the wayward West—we have one of these machines that Morris mentioned, the Minnesota Mining Microfilm Printer. It is a very useful machine at times, but let's not become illusioned that it will solve many of our problems that we face day to day unless we can somehow or other get a bigger budget.

Now recently, being in a rather small library, I wanted an article from a journal I didn't have. So I wrote to my friend, Morris, at Columbia and had him microfilm it for me. He shipped it back to me, and I ran it through this microfilm print machine we have, and took it upstairs to my faculty member and laid it on his desk. He was tickled pink. There was a citation he had given me from some obscure German Journal, and within a week there it was on his desk full size. He could write on it, mark it. He could do what he wished, but I took out a pencil and set down what that cost me, and I am not much of a mathematician. I left out the total investment of the machine itself which runs around $700. Just the bill I got from Columbia photograph lab was

around $3, and this Minnesota Mining machine cost about 10¢ a page to reproduce, maybe a little bit more if you do a good cost accountant job, so for less than a 20-page article that's costing me about six or seven dollars.

I gave service to the faculty, but at thirty or thirty-five cents a page. I cannot give very much of it at that rate.

MR. JULIUS MARKE: I would like very much to comment on that, Myron. It all depends on what kind of service you want to give to your faculty. You could just as easily have written to Columbia and asked them to mail it to you, and they perhaps would permit you to borrow, or some other library would. The Library of Congress might. You can never tell, but the point is this, it may have taken you perhaps a month to get it. Your man would have to wait.

On occasion we at New York University would like to borrow a book from Columbia. It depends on the sort of service we wish to give. We can arrange for one of our boys to go up there by subway and return it to my library. This, I feel, will cost me thirty cents in carfare plus, let's say, $1.50 for the boy. It may cost me about $2 to get that book if I need it immediately. By the same token I can arrange for some service to pick it up later. It depends on the speed with which I would like to service my public. At a certain point speed will be the essence of your service, and when it reaches that point, I don't think we will worry too much about economy. You will arrange to get that, and when it becomes realized by the administration that speed is the essence of your service, it is a part of your service, I have no doubt whatsoever but what the money will be forthcoming.

CHAIRMAN FIORDALISI: I am sure all of our libraries are run on a very, very economic basis and that all of them justify the tremendous expenditures in there for the individual researcher, the occasional user. I would hate to go ahead and establish a business in them, though.

There was another hand raised.

MISS KATE WALLACH [Louisiana State University Law Library, Baton Rogue, La.]: I think we should recognize most libraries have space problems and binding problems. If you count all that together I think that the maintenance of a big collection in each library will be much more expensive than the investment in one place in one of these big machines that could provide the service. If you consider that and the availability of some of the material, I think you get it there for much less than the $6 actually.

CHAIRMAN FIORDALISI: I think the gist of your remarks is that the cost of the machine or the center when distributed over the large number of libraries or over a number of participating libraries would probably result in a lower cost to the units even though there is a major expenditure in one area.

MR. BREUER [New York State Library, Albany, N. Y.]: The medical, scientific research people claim that the cure for cancer is possible provided there is enough money available. Now do I understand from the gist of this panel discussion that given sufficient money the entire body of

law could be reduced into machines and be retrieved without any difficulty at all? [Laughter]

CHAIRMAN FIORDALISI: Not from this panel.

MR. BREUER: I am asking that in all seriousness. Is it possible?

CHAIRMAN FIORDALISI: To the extent that a machine may be considered a book, it is done already. How well, I don't know. I have never yet met one individual abstractor who will look at another abstract of a case and come up with the same conclusions. Despite Miles Price's excellent indexing, he knows he has pulled booboos sometimes. [Laughter]

Now each one of us will take any index or any piece of work done by anybody else, wherever there is intellectual content, and differ on the end product or the value of the end product.

MR. BREUER: All right, may I ask this. What is the answer to that problem about the intellectual possibilities? In other words, do you first have to develop the intellect in order to make this possible?

CHAIRMAN FIORDALISI: The only answer I can give you is that we haven't tried anything like this in this area yet. Whether you are going to get a perfect answer, I don't know. I assume you will not because it will be too expensive. This is in a very large measure something like the current trade on hi-fi. You can get a pretty decent unit for X dollars which is within the range of a large number of people. For a unit that will produce a 5 per cent increase in fidelity it will probably cost you four times as much. To get the increase of one-half of one per cent above that 5 per cent it will cost you twenty times as much. How perfect must it be and who will pay for it?

MR. BREUER: Has any attempt been made in the field of law or any part of it?

CHAIRMAN FIORDALISI: Ernie, four years ago we took a closed system. We took a series of cards on pamphlets or references on pamphlets. We took the NYU classification system truncated. We took it down to the IBM people and told them: "Put it on cards, and see what we get back out."

Do you know what? When you punched those things back out they came out by classification number. They came out by the author, listed alphabetically. They came out by jurisdictions. They would come out by dates. Since that time there have been other operations in a closed system. The Horty System with a limited number of legal statutes operated within a limited framework. It is a closed system. It has the function of an accounting machine primarily. How they will handle our open-ended material, I don't know, but we will never get the answers unless we begin to ask questions.

MRS. FANNIE J. KLEIN [Institute of Judicial Administration, New York, N. Y.]: I am extremely interested in this, but I cannot imagine in my mind how this operates. Where can one see a demonstration of such a thing?

CHAIRMAN FIORDALISI: At the American Bar Association meeting in August of this year. The Committee on Electronic Retrieval will have a demonstration session at which the Horty work on the public health law will be demonstrated on the machines. You

will be able to ask a question, and you will get the answer the machine gives you. I understand that the cost of the installation, or least the cost of the machine time, will run somewhere over $25,000. This will be donated, I understand, by the IBM people to, shall we say, the future investment.

MR. R. MAX PERSHE [Librarian, Chadbourne, Parke, Whiteside & Wolff, New York, N. Y.]: I wonder how your system is going to answer the main problem that the practitioner has. Eighty per cent of the questions which you might have about the law our firm is able to produce in ten minutes. Twenty per cent of the questions our firm is able to answer in three hours. The main problem that a practitioner faces is to find out whether or not a law exists. This is the point at which he makes his living. He is interested in how much such machines can help. Otherwise, he is not very interested in any machinery. What you are trying to do, or what your present approach is, is to save storage and to compile what the digests have already done for him. So I would like the committee to pay attention to this problem in approaching this machinery situation.

CHAIRMAN FIORDALISI: The only answer I can think of, I think you are asking whether the machine will give us both positive and negative results. And the only answer that I can give is call up Dillard Gardner who is able to find another case just like mine from Georgia.

MR. BREUER: He raises a very interesting question. Up at Albany we get questions like this from the Legislature. They say: "Is there a law in the case of a doctor operating on a woman who is pregnant? Must he save the life of the woman or save the life of the child?" In all seriousness—and you try to go through the index of McKinney Consolidated Laws, and try to find out whether we have a statute on it and case law, and see whether there is a statute of whether a doctor should save the mother or the baby.

CHAIRMAN FIORDALISI: The answer is probably in canon law, and with that we will adjourn.

[The meeting recessed at 10:20 o'clock.]

TUESDAY MORNING SESSION

June 28, 1960

The panel discussion on "Foreign and International Law Materials," convened at 9:15 o'clock in the Iowa/Wisconsin Room with Dr. Kurt Schwerin, Assistant Librarian, Northwestern University School of Law, presiding.

KURT SCHWERIN: When we, that means the panelists and our Program Advisor, first discussed this panel we had a rather tough time. Would such a panel be worth while? Would there be enough interest among law librarians in foreign and international law to devote a session to these fields? And if so, what could we discuss in a brief panel like ours? The fact that we are sitting here obviously shows that we believe law librarians are, or ought to be, interested in problems connected with foreign and international law. And the fact that in a number of yesterday's papers reference to foreign

law was made repeatedly, supports our belief.

If we need additional proof for our assumption, let me briefly point out that during the postwar period the interest in the study of foreign, comparative and international law in this country has considerably grown. America's dominant position in world affairs and world trade has shown its impact on litigation in foreign law, and therefore information on foreign legal developments has become increasingly requisite in legal practice and for legal research.

A reflection of this trend has been the establishment of the *American Journal of Comparative Law* (1952) and the publication of the first case books in comparative law by Schlesinger (1950, second edition 1959) and Von Mehren (1957) and numerous other works. You all know of the Foundation grants which have stimulated new courses and research in "International Legal Studies." Our own Association has benefited from these grants, and is sponsoring the *Index to Foreign Legal Periodicals,* in the preparation of which the Committee on Foreign Law participated but which has been created as you know primarily through the initiative and tireless efforts of William B. Stern.

In line with these developments have been the formation of the International Association of Law Libraries under the leadership of William R. Roalfe and the publication of new bibliographical works, many sponsored by the Law Library of Congress.

The United States also officially recognized its concern with questions of foreign law. By Act of September 2, 1958, Congress established the Commission on International Rules of Judicial Procedure. One of the members of the Commission's Advisory Committee is our panel member, Professor Nekam. The Commission has the task of studying problems of international judicial assistance for the purpose of drafting international agreements and other legislation to improve the practice of serving judicial documents, obtaining evidence in foreign territory and obtaining proof of foreign law.

The Director of the Commission, Harry LeRoy Jones, recently pointed out (in 45 *Cornell Law Quarterly* 604) that the 50,000 Americans living abroad before the war have increased to more than 1,500,000, and that direct foreign investments, now over 29 billion, have tripled since 1950.

These American citizens and investments are of course subject to foreign law, and Mr. Jones goes on to say that "international transactions are now common grist to our legal mills," and that twenty years ago the pendency of a case in a foreign court was a rarity for the Department of Justice, to mention a single law office, but that the Report of its Civil Division as of December 31, 1959 shows 236 such cases. One-third of the 18 sections of the American Bar Association, omitting the section of International and Comparative Law, now have committees dealing with foreign law aspects of their work and, as Schlesinger has pointed out, the number of foreign law cases in New York and U. S. courts has considerably increased. In many cases treaties and, consequently, problems of international public law are involved in litigation.

In part, these developments reflect the impact of the new European communities, e.g., Organization for European Economic Cooperation (OEEC) and in particular, the European Coal and Steel Community and the European Economic Community (the Common Market) upon the expansion of the European economy. In the Mid-West, an additional incentive has been the completion of the St. Lawrence Seaway.

I hope you will agree with us that we have ample reason to believe in the growth of the interest in foreign and international law, but now, what problems should we discuss in this panel?

The Survey on Foreign Law Holdings and their problems which our Foreign Law Committee is conducting shows that out of 85 libraries which have answered our Questionnaire that was mailed to about 100 law libraries, 19 libraries have foreign law collections in excess of 10,000 volumes, and 8 of these libraries have collections of 65,000 volumes and more. Under "Foreign Law" in this Questionnaire we understood foreign law in its proper sense, that means, the municipal law of foreign nations, Roman and Canon law, and conflicts, comparative and public international law if published in a foreign language. English law and the laws of the Commonwealth were not to be included in the answers to the Questionnaire. Obviously, most of the libraries with larger collections have been able to take care of most of the questions which arise in handling foreign law materials but most of the smaller liraries indicated that they have problems in this field. These problems concern everything from selection, ordering and acquisition to cataloging, classification, use and service, or cooperation in any of these fields.

If, with regard to foreign law, problems mostly arise in smaller libraries, it is no secret that in the field of public international law also large libraries are faced with serious problems of bibliographical control and organization. This is generally due to the greatly increased output of materials in the field and especially to the fantastic output of official publications which—as a reviewer recently said (Albert H. Garretson in 12 *Journal of Legal Education* 312)—"has taxed the ingenuity of law librarians and excited the groans of the laborer in the increasingly tangled jungle."

I do not know whether we shall succeed in saving you from all the strange animals lurking in this jungle, but we shall at least try to rescue you from a great many of them. In view of what I have said I thought the best way to do this is to address our discussion especially to medium-sized and smaller libraries but we believe that also larger libraries may find something of value in our papers. Our first paper, however, is addressed to everybody who is weighing the reasons for collecting foreign law, for it underlines one aspect of its usefulness which most frequently has been completely overlooked.

The title of the first paper is "What Foreign Law Books Teach Us about Our Own Law," and our first speaker is my colleague and Northwestern Professor, Alexander Nekam.

DR. ALEXANDER NEKAM: Your chair-

man spoke about the increasingly significant role which foreign law and, also, the appreciation of the importance of foreign law are now playing on the American scene. There is a deepening interest in this field which seems to be shared by the whole of our profession, felt by the practitioner and the judge, anticipated by the law schools and encouraged by the government. The interest is general and growing because it corresponds to general and growing needs.

The study of foreign law can be put to many important uses. There are, first of all, the requirements of the practitioner, with his interest in law's positive content. International cooperation is expanding, private transactions are becoming increasingly broader in scope, innumerable problems emerge which cannot be answered without some knowledge of foreign law. The need for such knowledge may appear only after the event, when the facts can no longer be changed, when the transaction is already accomplished, when the interests are already localized. Or, in a perhaps even more challenging way, such knowledge may be needed beforehand, when the decisions have not yet been made, where the facts can still be manipulated. The lawyer in such cases may have to scan the whole horizon. He may have to think in terms of several foreign systems, see their alternatives and know how to evaluate them. All this presupposes knowledge of foreign law: either the lawyer's own direct knowledge of it, or, more likely, his knowing how and where to obtain expert information about it and how to use such information in an intelligent way. This is one reason for the growing interest in foreign law.

Then there can be another important reason for such an interest: one where the knowledge of foreign law no longer is an end but only the means to an end: the interest the comparative lawyer has in foreign law. Comparative law can mean many things and it can be pursued to meet many ends. Basically, however, I hope you will agree, it always remains concerned with one's own legal system, with a better understanding, or a better formulation of it. One goes outside the field of internal, domestic law, but one only does so in order, finally, to come back to it, enriched and more articulate. One looks into foreign techniques, into foreign standards and attitudes, because one hopes that they will tell something about domestic techniques, domestic standards and attitudes.

Such investigations, based on the comparative approach, again may primarily have an immediately practical end in mind: a desire to improve our law, to modify it or, to develop it further—always on the basis of what the experiences of others might suggest. Properly used, foreign law is a rich store of creative ideas, intellectually provocative and emotionally stimulating. It may help us to reshape our law, to make it grow under our hands, to render it simpler, more responsive, less technical. For a long time there seemed to be general agreement among lawyers that the real value of comparative law consists only in these practical possibilities, in its suggesting improvements in one's own, domestic system. As Sir Henry Maine put it,

"aid to the legislator is, if not the only function, the chief function of comparative jurisprudence." Improving our own law through comparison still is, of course, and probably will always remain a most important proposition and constitutes therefore another vital reason for our interest in foreign law.

To offer insights towards improving our own law is not, however, the only possible purpose of a comparative approach; nor is it, perhaps, the most important one. We may compare, not only in order to improve our law, but also in order to improve, and complete, our knowledge and understanding of it. It is in thus allowing us to get a more objective view of ourselves that the study of foreign law and of foreign standards offers us, in my opinion, its most important contributions.

There is at least one thing about every legal system which can only be seen and realized if one moves, so to speak, outside of it:—the essential relativity of much of what it contains. The system we were born into and the assumptions under which we were raised always will appear natural to us. "Nature is but first custom," says Pascal, "just as custom is but second nature." What appears natural, however, also appears self-evident. It works itself into the objective world as seen by us; it emerges as the pattern for doing things. Holmes spoke of the demand in all men for the superlative, and to this demand he attributed much of the attraction the absolute has for us. What allows us so glibly to satisfy this demand, what makes it so easy to yield to this attraction, is this feeling of self-evidence, of seeming objectivity, which every value we were brought up with assumes. This feeling gives an aura of definitiveness, of finality, to everything it touches; it turns every legal system into an absolute one.

In a world of isolated communities, in one of slow and intermittent communications, such feelings, parochial, egotistical and self-centered as they tend to make us, may not be a particular burden. Nor are they a burden, perhaps, in a world where a single outlook can dominate the rest, where it can impose its views and can afford to ignore others. But in our world of interdependence, where cooperation is now a necessity, these feelings, unless corrected, can soon become intolerable and suicidal. They breed an irresponsive, negative orientation towards others; they breed conceit, self-satisfaction, disdain; they tempt one into a condescending, proselytizing, disapproving attitude to which, if he can help it, nobody is willing to submit.

Only through comparison, and the kind of reflection and meditation which comparison alone can invite, will a more generous attitude dawn upon us. Considered alone, the spell of a system can never be broken: measuring standards and things to be measured are identical. The same obviousness pervades everything, all reference only serves further to reinforce it. Even the possibility of doubting will not arise. "Those who have the experience of no other regime are unable even to imagine any other regime," held Herbert Spencer. "Men go and admire the peaks of the mountains and the frightening waves of the

sea, but they pass by their own selves without noticing it" says St. Augustine. Man will reflect upon the unusual, upon what comparison forces him to see, but whatever remains unchallenged, whatever presents no such awakening experience, he will ignore as obvious, as presenting no problem.

Not all challenge through outside experience is, of course, necessarily successful. These feelings of obviousness which surround our own attitudes and our own solutions are powerful enough to suppress and to ignore a great deal of adverse evidence. Yet the light, should it come, must come through comparison. One day, suddenly, it will appear: the discovery that ours may not be the only path, that there may not be one key only to all wisdom, that in the Father's house truly there are many mansions. Whoever comes to see this, makes a decisive step. He moves from a selfish and narrow point of view to one which is receptive and open, to one which does not repel or alienate, but invites the understanding and cooperation of others.

I consider this last use of foreign law the most important of all. It goes deepest in its effect and it satisfies needs most widely felt. All of us, whatever our specialized interests, need its corrective touch. In a way the success of every use of foreign law depends on it. The practitioner and the comparative lawyer who turn to foreign law to further practical interests may, in this pursuit, attain far higher levels of specialization. But for them, too, the indispensable foundations of their work were laid through such introspective comparison. All their present efforts are but a continuation, an application of it. For them, too, the essential step was taken when they first succeeded in cutting themselves loose from the exclusive emotional hold of their own systems, when they first liberated themselves from the omnipresent insistence of the familiar.

What can law schools do in order to channel and to satisfy these various needs for foreign law? Few schools, indeed, are in a position to afford libraries complete enough for a thorough study of foreign law. But then, most law schools, at least from the point of view of the instruction they are likely to offer, do not seem to need any such complete documentation. To parallel the full instruction of our own law with a similar undertaking as regards certain foreign systems would, of course, be impossible and no American law school is trying to do so. What our law schools generally attempt in connection with the teaching of foreign law is to offer introductory courses, on various levels of erudition and completeness, into the general structure of certain foreign systems, and into the foreign lawyers' ways of doing and thinking, so as to give some kind of a general orientation to those who, either as practitioners or as comparative lawyers, one day will have to work with foreign law. No American law school can go much beyond this, nor would it perhaps even be desirable to attempt much more. Very few people can really master two legal systems to their full extent, just as there are few poets, indeed, who are bilingual. Not even part of the law can thoroughly be handled in such an ambidextrous

way. If law is a seamless web, it cannot be understood in pieces. Even after a lifetime of practice, foreign law, for most American lawyers, will remain what it really is, foreign territory. If the American expert in foreign law knows enough so as to make a first approximation, if he knows where to turn to get further advice and help, and if he is able intelligently to understand and to follow such advice, he has just about done everything he can be expected to do.

How far law schools can go in giving such introductory instruction in foreign law, and whether they are able to give it at all, will however depend on conditions not always under their control. Such studies should probably be pursued on a graduate level, students with a special interest in foreign law and with some linguistic experience are needed, and a specialized library has to be available. There are many requirements and unless they can be satisfied, any such work may become impossible.

Not so, however, should foreign law primarily be used to obtain a more objective view of our own. As so often is the case, the most important need seems the easiest to satisfy. Comparison, essential though it is, does not need great technical elaboration here, it can be introduced from the very beginning and all our students can be exposed to it. For this purpose comparison no longer is a graduate pursuit, nor is it a highly specialized one. We shall be teaching something about our own law, even though we shall have to approach it through the use of foreign law. What we shall need in sources and books should however be readily available everywhere or, at least, should not be beyond the possibilities of any law school. Much can be done with materials already translated, with English books on foreign law and with law review articles at everybody's disposal. Nor must such an approach necessarily be attempted as a separate course. It easily can be fitted into existing compartments and exemplified through materials available in courses well established. If supplemented through some outside reading, most courses in the curriculum could be used for this purpose. What really is needed is a constant suggestion, a new focus to the already available, the success of which depends more on the capabilities of the teacher than on the wealth of the materials displayed. The teacher's words may easily become the student's greatest experience, the magic wand which transforms the familiar and gives a new dimension to it. To find teachers able to do this may not be an easy task. Even so, this introspective type of comparison remains the one field where success does not depend on the size of the law school or on the endowment of its library. It is one aspect of the study of foreign law which can be open to all.

CHAIRMAN SCHWERIN: Thank you very much, Dr. Nekam.

It may not be out of line to remind you at this point of a paper which Samuel E. Thorne gave before the 30th Annual Meeting of the AALL in Denver, 1935 which pointed out the importance of foreign and international law and suggested that a careful selection of contemporary continental law might bring higher re-

turns than to try to have an all-inclusive collection of local or minor Anglo-American materials.

We come now to the second paper. Our next speaker will be Mrs. Lily Roberts.

Mrs. Roberts acquired her legal training in Germany where she became an assessor. That meant she had the qualifications to serve as a judge.

She did legal work with courts in Hamburg, and in lawyers' offices in Hamburg and Berlin. Later, after having left Germany, she continued to do legal work in Sweden, the Netherlands and England. She came to this country and was a research assistant at the University of Michigan, research assistant in international and comparative law, where she worked with Professors Yntema and Rabel. For the last fifteen years she has been the legal bibliographer at the Michigan Law Library, and her responsibilities include book selections on foreign and international law. Mrs. Roberts.

MRS. LILY ROBERTS: This paper is addressed only to those medium-sized and small libraries whose financial means and interests allow them to build up a small foreign law collection.

Your first step will be to consult with your library committee or faculty to find out what funds can be made available for the purpose of collecting foreign law.

You will have to limit yourself to basic material only.

Your three main problems will be: What material should a basic collection comprise? How can smaller libraries acquire and handle foreign law? What bibliographical tools for foreign law are available?

I. *What material is basic* will depend on the purpose of your foreign law collection; and the purpose in turn will be different in different types of libraries:

A university library needs case books on comparative law and perhaps also books on Roman law because Roman law is the basis of all civil law systems.

A library of the bar will stress practical material, such as books on foreign corporation or tax law.

A specialized library will want foreign literature in its particular field of interest.

Every library will thus have to develop its own buying policy for foreign materials and synchronize it to its particular program. I can only make a few general observations that apply to any type of library and any program.

There are a few essential facts that should guide your buying policy.

First: American libraries in general are interested in foreign law only insofar as it is of interest to Americans. This means that you should stress comparative law, for comparative law is the bridge that leads the American lawyer to understand the methods and techniques of the foreign jurist.

For similar reasons conflicts law must be emphasized; it establishes the first contact with foreign law and, in fact, decides whether and what foreign law applies.

Second: The American lawyer will mostly consult a foreign lawyer for detailed information on specific points of foreign law; what he mainly wants

is a general orientation to foreign legal systems and books of an introductory nature.

The *third* fact, that cannot be overemphasized, is the language difficulty. There are very few American lawyers who know foreign languages. We must therefore stress material in English.

You may not realize how much material there is in English on foreign law. We have translations of all constitutions,[1] many of the codes[2] and laws[3] and even some of the standard textbooks.[4] We also have a considerable English literature about foreign law. There is, for instance, a book by René David and de Vries on The French Legal System that is at the same time an Introduction to Civil Law Systems in general.[5] Quite recently Gsovski and Grzybowski have published a general survey of the law and government of the countries within the Soviet orbit.[6] Books such as these would be valuable to almost any American law library. Much literature on foreign law is contained in our Anglo-American legal periodicals, e.g. the *Tulane Law Review*. A few periodicals are devoted to foreign and comparative law only; among them the *American Journal of Comparative Law* is outstanding. The leading British journal is the *International and Comparative Law Quarterly*.

You will be glad to know that there will soon be a selective list of *Basic Foreign Law Materials in English* upon which you will be able to base your desiderata list of specific titles. Kurt Schwerin is planning to publish such a list in the near future.

If English publications are not available, it is sometimes a helpful shortcut to acquire books in French or German, rather than in the original language. There are, for instance, French[7] as well as German[8] collections of the criminal codes of other countries, whilst thus far no English compilation exists.

Primary sources of foreign law are, of course, the publications in the original languages.

Each system has its own basic material. Muslim law, e.g. is still largely religious law and the Koran is a basic source of law. In Russia, next to the enactments of the Supreme Soviet, the instructions of the Party Organs and administrative practices are important legal sources. But it would be quite impractical for an average American library to collect material in languages such as Russian and Arabic, for no one on the staff could handle these books and probably no one would ever use them.

On the other hand, you may well want to buy foreign material for the

[1] The most important recent compilation of foreign constitutions is: Peaslee, A. J., ed., Constitutions of Nations with summaries, annotations, bibliographies and comparative tables. 2d ed., [The Hague, 1956] 3 vols.

[2] For a list of code translations see Szladits "Note on Translations of Foreign Civil and Commercial Codes," in 3 Am. J. Comp. L. 67 (1954).

[3] There are many compilations of laws on special subjects, such as e.g. Copyright Laws and Treaties of the World compiled by UNESCO. Paris, 1956— (loose-leaf).

[4] Planion, M. F., Treatise on the Civil law. Translated by the Louisiana State Law Institute. (St. Paul, 1959). 3 vols.

[5] David, René and de Vries, H. P., The French Legal System, an Introduction to Civil Law Systems. New York, 1958.

[6] Gsovski, V., and Grzybowski, K., Government, Law and Courts in the Soviet Union and Eastern Europe. London [1959]. 2 vols.

[7] Ancel, M. ed., Les Codes Penaux Europeans, Paris, Centre Francais de Droit Compare, v. 1—1956.

[8] Sammlung Ausserdeutscher Strafgesetzbucher. Berlin v. 1. 1881.

Western civil law countries. We have close cultural and commercial contacts with these countries; also, French, Spanish and German are the languages most familiar to us. The civil law system is of greatest interest for it has the most highly developed body of legal rules. Within the civil law system the laws of France are the most important; the Code Napoléon has served as a model for the civil codes of the nations of half of the western part of continental Europe, much of the Middle East, and on this side of the ocean Louisiana, Quebec, and the Latin American countries. Next to the laws of France perhaps those of Germany should be emphasized because the German Codes also were influential for many other codifications. The German Civil Code has influenced, among others, the codes of Japan, Switzerland and Turkey. Sometimes local interests of your users will indicate that you should stress the laws of specific countries, for instance libraries in New Mexico and California will emphasize Mexican and Spanish law.

In the civil law system the formal sources of law are the statutes, court decisions and doctrinal writings, including periodicals.

Of the statutes the five codes are the most important. They are the civil, commercial and penal codes, and the codes of civil and penal procedure. We at Michigan buy new editions of the codes approximately every five years to show what changes have been enacted. For the laws in serial form smaller libraries may have to rely on microfilm copies. The official gazettes contain the most complete and up-to-date publications of the statutes; we now fortunately have reason to believe that these will soon be available on film. The New York Public Library, in cooperation with the United Nations Library, is already reproducing on microfilm the official gazettes of thirteen Latin American countries.

Court decisions in civil law countries are not precedents in the sense of common law decisions. A common law lawyer is apt to overestimate their importance. On the other hand, he is apt to underestimate the weight of doctrinal writings. A foreign lawyer, if he does not find the answer to his problem in the code provisions, will consult the leading textbooks or commentaries; a smaller library should therefore acquire those rather than the expensive court reports for civil law countries.

Foreign legal periodicals are important, especially for current information. But they are probably beyond the reach of smaller libraries, except for specialized journals; an insurance library may want to acquire, for instance, the leading foreign insurance law journals.

Finally there are some tools that are essential for any foreign law collection; namely, dictionaries, lists of abbreviations, and, most important, legal bibliographies. It may also be helpful for you to keep a list of foreign law publishers and dealers, and a record of foreign legal experts and translators in your area.

II. Once you have decided what foreign law material you want, *how are you going to acquire and then handle it?* For this work you will

often need the help of others who have experience and a background in foreign law, particularly for book selection and reference work. But where can you find such help?

You can consult legal centers in the foreign country. You can also ask advice from one of the big American law libraries, or from a library specialized in the field of your problem. The Questionnaire Kurt Schwerin sent out will, we hope, result in supplying us with more accurate information about the special collections in geographical areas or subject matters in different libraries. It is unfortunate that there is thus far no American center for foreign law, staffed with experts, that could give bibliographical information, reference assistance, and perform other services. Perhaps at least a consultative service for smaller libraries could be set up; this could be done with the help of our AALL Committee on Foreign Law that could ask a group of American law librarians with experience in foreign law to make their knowledge available. You could then, for instance, write in questions on foreign law, and questions and answers could, if suitable, be published in the Law Library Journal.

Because of the difficulties with foreign materials, smaller libraries may favor cooperative programs, especially cooperative acquisitions of foreign law books. Frankly, we at Michigan have found that cooperative schemes have not worked too well for us. The main disadvantage is that cooperative purchasing is not geared sufficiently to the needs of the individual library.

It is obvious that there is thus far no fully satisfactory way of getting help from others; therefore, you must limit yourself as much as possible to material you yourself can handle. I want to make a few suggestions for simplifying the library work with foreign law and for doing it without relying much on others.

Book selection is probably the greatest problem; there you will occasionally have to seek expert opinion. But you will often be able to make a sensible selection yourself if you use the right descriptive bibliographies. It is not wise to choose foreign books from dealers' catalogs only. Your general policy for selection of foreign books must be: In case of doubt do without.

For ordering foreign books you will do well to use the good American or international dealers that specialize in this field. This will save you very much trouble, even though it may be slightly more expensive than if you placed your orders in the foreign country. In general, foreign books are cheaper than American books. We estimate an average cost price of $7.50 for a foreign book as compared to an average price of $12.00 for an American book. Those libraries who want to order directly from foreign countries will soon be able to use a list that the Harvard Law Library is planning to publish with the names of their foreign dealers.

For cataloging, the Library of Congress cards should be a great help. We are fortunate that the Library of Congress gives us a kind of centralized cataloging service. Most of the books that a smaller library acquires will be cataloged by the Library of Congress, though it may sometimes take a while until the cards are available.

In reference work you will find that your users expect more help for foreign law than for American law because they are less familiar with the material. You may not realize that in the United States library service and especially reference help are far better than in other countries. But for foreign law you may have to reduce your help to what I would call "European services" and let the reader himself find what he wants.

III. The last topic I want to deal with is *Bibliographical Tools for Foreign Law*. My time is too short to evaluate the many good bibliographies we have. I only want to mention a few that should not be ignored.

The greatest demand will be for publications in English. It is therefore indispensable that you have the *Bibliography of Foreign and Comparative Law* by Szladits[9] which lists all books and articles published in English.

You will also want a bibliography that covers the laws of all countries, namely the *Register of Legal Documentation in the World*,[10] published by UNESCO. It lists for every country not only the legislation, law reports and periodicals, but also the legal centers and legal bibliographies.

There are many bibliographies for the laws of individual countries. For an American librarian the most useful ones are guides that are descriptive and are written in English. The Library of Congress published the first such Guide in 1912 for the Laws of Germany[11] and later corresponding Guides for the Laws of Spain, France, and most Latin American countries.[12] The Library of Congress has also published Guides to the Official Publications of the Latin American Republics.[13] Recently the Mid-European Law Project at the Library of Congress has sponsored useful bibliographies for several of the Iron Curtain countries.[14]

[9] Szladits, C., A Bibliography on Foreign and Comparative Law; Books and Articles in English. New York, 1955. [Col. Univ.] Parker School Studies in Foreign and Comparative Law.

[10] UNESCO, A Register of Legal Documentation in the World (Catalogue des Sources de Documentation Juridique dans le Monde). 2d. ed. rev. and enl., Paris, [1957].

[11] U. S. Library of Congress. Law Library, Guide to the Law and Legal Literature of Germany by E. M. Borchard. Washington, 1912.

[12] ——— of Spain, by T. W. Palmer, 1915.
——— of France, by G. W. Stumberg, 1931.
——— of Argentina, Brazil and Chile by E. M. Borchard, 1917, supplemented by
——— of Argentina, 1917-46, by H. L. Clagett, 1948; and
——— of Chile, 1917-46 by H. L. Clagett, 1947.
——— of Bolivia by H. L. Clagett, 1947.
——— of Colombia by R. C. Backus and P. J. Eder, 1943; Suppl. in 20 Tul. L. Rev. 392 ff, (1946)
——— of Cuba, Dominican Republic and Haiti by C. M. Bishop and A. Marchant, 1944.
——— of Ecuador by H. L. Clagett, 1947.
——— of Mexico by J. T. Vance and H. L. Clagett, 1945.
——— of the Mexican States by H. L. Clagett, 1947.
——— of Paraguay by H. L. Clagett, 1947.
——— of Peru by H. L. Clagett, 1947.
——— of Uruguay by H. L. Clagett, 1947.
——— of Venezuela, by H. L. Clagett, 1947.

[13] A Guide to the Official Publications of the Other American Republics. Washington [1945-1948]. 1. Argentina. 19. Venezuela.

[14] The Mid-European Law Project, Series and Legal Sources and Bibliographies on Eastern Europe, V. Gsovski, general editor, consists thus far of the following volumes:

Legal Sources and Bibliography of Bulgaria, by I. Sipkov. New York, [1956].

Legal Sources and Bibliography of Hungary by A. Kalnoki Bedo—and others. New York, 1956.

Legal Sources and Bibliography of Czechoslovakia by A. Bohmer and others, New York [1959].

Volumes for the following countries are in preparation:

Poland
Rumania
Yugoslavia
Estonia—Latvia—Lithuania

Among the many other good bibliographies, the most valuable recent one is a *Guide to Foreign Legal Materials, French, German, Swiss,* by Szladits.[15]

We have excellent bibliographical tools for some countries, but for others they are quite inadequate, for instance for Italy. The need for a more systematic coverage of the legal literature has been recognized by the International Association of Legal Sciences, and with the aid of UNESCO they are sponsoring a number of national bibliographies that are being prepared in the respective foreign countries, but will be published in English or French,[16] e.g. a bibliography for Italy is in preparation.

The most useful introduction to materials on comparative law is to be found in Schlesinger's case book on Comparative Law,[17] that reprints and supplements the bibliographical notes of Gutteridge's Introduction to Comparative Law.[18] This chapter of Schlesinger's book can be considered as a guide to a basic library of foreign law.

One of the most useful tools for work with foreign law is our new *Index to Foreign Legal Periodicals.*[19] It is a careful selection of the world's leading periodicals, and it also indexes book reviews.

Book reviews are of special importance for selecting current foreign literature. The most valuable book reviews for your purposes will be those in the *American Journal of Comparative Law.* If you read regularly the survey of foreign literature in this journal, you will probably not miss any important new publication in foreign law.

For new publications you may also find it helpful to look at the lists of Recent Acquisitions that are brought out by some of the large American law libraries, for instance the Columbia and Harvard Libraries, that include foreign law. The list of the Northwestern University Law School covers foreign law exclusively and will therefore be particularly useful.

Finally, I should mention that the big union catalogs are also important for foreign law. The *National Union Catalog,* the *Union List of Serials,* and the *New Serial Titles* enable us to verify most foreign titles, and also to find out in what libraries in this country they are available.

[15] Szladits, C., Guide to Foreign Legal Materials; French, German, Swiss. [New York], 1959. [Col. Univ.] Parker School Studies in Foreign and Comparative Law.

[16] The following bibliographies have already been published under the auspices of the International Association of Legal Sciences with the aid of UNESCO:

United Kingdom National Committee of Comparative Law, a Bibliographical Guide to the Law of the United Kingdom, the Channel Islands, and the Isle of Man. London, Institute of Advanced Legal Studies, 1956.

Alexandrowicz, C. H., a Ninliography of Indian Law. [Madras], 1958. Polska Akademia Nauk. Instytut Nauk Prawnych. Bibliographie Juridique Polonaise, 1944-1956. Redaction collective sous la direction de W. Czachorski. Warszawa, 1958.

Blagojevic, B. T., Bibliographie Juridique Yougoslave. [Belgrad, Inst. de Droit Compare, Institut za Uporedno]. Beograd, 1959.

Ceskoslovenska Akademie Ved, Bibliography of Czechoslovak Legal Literature. Bibliografie Ceskoslovenske pravnicke literatury, 1945-1958. Prague, 1959.

In preparation are bibliographies for:

Lebanon, by M. A. Nassif, and U.S.S.R., by Akademiia Nauk, U.S.S.R.

Further bibliographies are to be published for: Germany, Greece, Italy, and the Scandinavian countries.

[17] Schlesinger, R. B., Comparative Law; Cases, Text, Materials. 2d. ed., Brooklyn, 1959, p. 145 ff.

[18] Gutteridge, H. C., Comparative Law, An Introduction to the Comparative Method of Legal Study and Research. 2d. ed., Cambridge, 1949, p. 82 ff.

[19] Index to Foreign Legal Periodicals. London, Institute of Advanced Legal Studies, 1960. (American Association of Law Libraries.)

An overall picture shows that many useful bibliographies for foreign law exist; but it is often difficult to find the right ones. Fortunately there exists a bibliography of legal bibliographies and reference works, international in scope, arranged by subject and country. It is a German publication by Stollreither.[20] The section headings and index are also given in English, so that it is useful for American libraries. This bibliography was published in 1955; it does not cover the latest development which is often the most important. What we need is more up-to-date services for the existing bibliographies, through periodical supplements or loose-leaf services.

In conclusion I want to stress: There is no perfect answer to the problem of collecting foreign law. It may seem presumptuous that I have tried to cover so vast a subject in so short a time. My purpose has been to encourage you to enter this field. The reluctance to do so is mainly due to three reasons: lack of funds, language difficulties, and complexity of the material. I have been realistic, at the risk of being unscholarly, and have suggested that you start in a modest way, by collecting in the first place materials in English, that you stress civil law, and in particular French law, and also limit your services to the user. As your experience grows, you can, step by step, build up your collection. Let it not worry you that you cannot have a complete coverage of foreign law. Even a small collection is a contribution towards a better understanding between the peoples of the world, which is needed more today than at any other time in our history.

[20] Stollreither, K., Internationale Bibliographie der Juristischen Nachschlagewerke (International Bibliography of Legal Reference Books). Frankfurt a.M., [1955].

CHAIRMAN SCHWERIN: Thank you, Lily.

We are now leaving the foreign field and entering international territory, and we are fortunate to have as our speaker a former colleague of mine. I remember from the days when we worked together at Columbia, Mrs. Florence Zagayko has started a school of library service at Columbia, has worked in the library at the Department of State and for long years has been the International Law Librarian at Columbia. She was the first international law librarian in this country, and for many, many years has been the only one. Mrs. Zagayko.

MRS. FLORENCE FERNER ZAGAYKO: During the many years that I have been a member of this Association my situation has always seemed somewhat anomalous, for I seldom met anyone doing the same kind of work that I was. However, many libraries are now recognizing the need for specialists in the areas of international law and of foreign law—usually combined into one—and perhaps someday international law librarians will be more frequently met with.

At Columbia University international law and foreign law are administered separately, and my work has been solely with international law, of which we have a large collection.

Since the discussion on this panel is directed principally toward the problems of medium-sized and smaller law libraries, I felt the need of leaving

temporarily the ivy-covered walls and going out to visit some of the libraries to the south of Morningside Heights, to make a little survey for myself on the nature of these problems.

I found as I expected that most law firm libraries, and others too, tend to shy away from keeping any international law materials unless the need is thoroughly justified. Space and maintenance cost money, and such libraries or firms would rather borrow or photostat materials from another library on occasions of need, or go to any expense to get specific material when they have a big case, than keep anything in the library that is not in constant use.

At the same time there is an increased awareness, based on practical everyday problems, of the necessity of a greater knowledge of international law. Corporations establishing branches in foreign countries, business men in international trade, and foreign investors who look for a favorable investment climate need expert legal counselling for the success of their enterprises, which are affected by such things as exchange control legislation, export and import regulations, taxation, price controls, common markets, labor legislation, etc. Some law firms which handle a great deal of this sort of work have a specialist on international law on their staff; others, though they rely greatly on branch offices in foreign countries, still need to keep in touch with what is going on.

Therefore most of them agree that having a good basic collection on international law, while insufficient for an important case, is essential for quick reference, for background, and for preliminary review—all the more so because it is just this type of book which other libraries cannot spare for loan.

I also found, to my surprise, that there are many law schools which do not offer so much as a single course in international law. But the time is coming when they will. And if the school publishes a law review, occasions are bound to arise, sooner or later, when international law materials will be needed.

And so most law librarians, not only in this country but abroad, are thinking in terms of building up their international law collections. To help some of them I compiled a "bibliographical guide" which has just been published in the May issue of the *Law Library Journal*. I call this a bibliographical guide because in itself it is not a complete bibliography, but should be used with certain other general and special bibliographies already published in this field. Thus, the seeming omission of many important works is due to the fact that they are included in these other bibliographies, which mine in a way supplements and brings up to date, and altogether the books encompassed in the combined bibliographies would represent a selected but sizable collection. At the end of the "guide" I have attached, as Part V, a *Short List of Books Recommended for First Purchase* for a library or individual starting from scratch, and it is such a basic collection that I am discussing here.

The most essential element of an international law collection in American libraries is United States treaty law, which, being part of the law of

the land, certainly has its place in a law library, though I don't need to tell you it presents difficulties. Treaties are not codified, nor are they republished or digested by West or by Commerce Clearing House (with certain exceptions, like the CCH Tax Treaty Service). And to obtain the last word on the status of a treaty one has frequently to resort to writing to the Department of State.

But before going through those channels there is a good deal one can do on a treaty problem if one has the basic sources. Actually, if a library has the *Statutes at Large* it has the United States treaties through 1949, and a cumulative list of these appears in vol. 64, the 1949 volume. Beginning in 1950 a new treaty publication policy was inaugurated by the United States in the interest of efficiency and economy. Hitherto treaties upon going into force had had two separate official texts, sometimes differing. One was, and still is, the initial publication in separate form in a numbered series called *Treaties and Other International Acts Series* (cited as TIAS), which is the successor of two earlier series, the *Treaty Series* and the *Executive Agreements Series*. The other was a complete republication in Part III of the *Statutes at Large* each session of Congress. But beginning in 1950 the same printing plates are used for both the TIAS print and for the new official collection replacing Part III of the *Statutes at Large*, called *United States Treaties and Other International Agreements* (cited as UST), which is published in one or more volumes annually with the addition of page numbering and indexes in each volume. Though you may have citations to either text, it is more difficult to translate from volume and page of the UST to TIAS number than the other way around, so it is preferable to have the annual volumes for permanent preservation at least, treating the separate TIAS texts as advance copies, unless two sets are needed. The annual volumes alone are sufficient for some libraries, as they come along fairly quickly, the first part for 1958 having appeared in July 1959.

For the earlier period the compact four-volume collection called *Malloy's Treaties*, covering 1776-1938, is a great convenience. It is much simpler and quicker to find treaties in *Malloy* than in *Statutes at Large*. However, *Malloy* being out of print, it might take some scrounging around to locate a copy.

As for indexes to U. S. treaties, there just isn't any one complete index. However, the Department of State is at last issuing a *List of Treaties in Force* as of January 1 of each year. This not only cites texts of treaties, but gives status—ratifications, amendments, extensions, supplementary agreements, and partial terminations—under each treaty. One can see at a glance what bilateral treaties we have with a particular country, and, in a second part, the multilateral treaties to which we are a party, listed by subject. Note that the *List of Treaties in Force* does not include superseded or terminated treaties, which may be all right for the purpose of the lawyer if not for the researcher; and it does not serve too well as a subject guide. There does exist a detailed subject index covering all treaties to 1931,

now out of print; and the catalogue of *Publications of the Department of State* since 1929 lists treaties, as well as its other documents, under topics. A further exposition on tracing down treaties and on treaty status is to be found in Chapter 4 of Price & Bitner.

Recent treaty information, supplementing the information contained in the latest *List of Treaties in Force,* is to be found in the weekly *Department of State Bulletin,* which contains other official pronouncements on foreign policy, speeches, reports, statements, exchanges of notes between governments, and texts of some agreements. It is especially useful for its current coverage. Being bulky, many libraries find it not feasible to keep it permanently. If, however, it is desirable to have the principle documents of American foreign policy for recent years, there is a new series of less bulk, called *American Foreign Policy: Current Documents,* which began to be published by the Department of State annually as of 1956 in continuation of some earlier volumes of similar collected documents. The documents included herein are all reprinted from other published sources such as the *Bulletin,* Congressional documents, or departmental publications.

A library that frequently needs treaties to which the United States is not a party could not do better than to subscribe to the *United Nations Treaty Series,* in which all treaties registered with the U.N. are published, not only in the original languages but also in English and French. The series has two drawbacks—slow indexing and rapid growth.

A second source of international law is what is referred to as state practice. This embodies the statements of the position taken by governments on legal and diplomatic questions. Such statements occur in diplomatic correspondence, in government documents, in judicial decisions by national courts and by attorneys-general, etc.

The United States has led the way in the publication of such materials—not only of its diplomatic papers published in the annual series, *Foreign Relations,* since 1861, and in the weekly *Department of State Bulletin* I mentioned, but also of its digests of international law. *John Bassett Moore's Digest,* published in 1908, and *Hackworth's Digest,* published in 1940 by the Department of State as a sequel to the *Moore,* have set a standard which has been unequalled. A third digest to cover the recent period is in preparation by the State Department under the editorship of Marjorie Whiteman.

Although these two American digests are unique, a similar digest is now projected in the United Kingdom, and a digest of French practice has been appearing each year since 1950 in the unofficial French yearbook, the *Annuaire Française de Droit International.*

The *Hackworth* and the *Moore* are essential for any basic collection. Of interest to the practising lawyer also are some special digests, among them *Whiteman's Damages in International Law, McNair's Law of Treaties,* and *Moore's* old but still used *Treatise on Extradition and Interstate Rendition.* In fact, the line here between digests and treatises becomes faint, as indeed state practice is revealed in the lead-

ing general treatises, particularly where there is intensive foot-noting. Treatises are certainly a necessity for checking on points of international law and for background. The major ones are *Hyde's International Law Chiefly as Interpreted and Applied by the United States,* in three volumes, 1945, and *Oppenheim's International Law,* edited by Sir Hersch Lauterpacht, published in London. Lauterpacht, at the time of his death was working on a treatise of his own. There are a number of others of less stature but reliable and useful, listed in the short bibliography appended.

Decisions and opinions of international tribunals and of national courts relating to international law are reported in what has developed into a very significant collection, called *International Law Reports,* edited by Sir Hersch Lauterpacht (whose death, it is hoped, will not affect the publication of this series). It started out, as of 1919, as purely a digest, and was called *Annual Digest of Public International Law Cases.* Gradually, full texts of the opinions in so far as they concerned international law have been added, until it became a series of reports proper with its change of title in 1950 to *International Law Reports.* It would certainly be first choice for a basic collection, both as a source of texts of decisions, especially of foreign decisions translated into English, and as a reference guide because of its digests and its citations to original sources.

In addition to this series it would be desirable to have the reports of individual international courts, particularly the International Court of Justice. And there are some special national collections or digests of international law cases, such as the *Decisions of the German Superior Courts Relating to Public International Law* published in digest form in the old German Collection *Fontes Juris Gentium, Series A* and revived since the war. This has headings and headnotes in English, though texts are in German.

American, international and foreign cases are also found in the "jurisprudence" sections of most of the leading international law journals, listed in my short bibliography. Incidentally, these journals are all the more useful now because of the new *Index to Foreign Legal Periodicals* which includes international law journals, American and foreign. Of course the *American Journal of International Law* is the most essential of all of them for an American law library, and is recommended even for one which does not maintain many regular periodicals or law reviews, because of the difficulty that a small library has in keeping abreast in this field.

Handling a small international law collection does not present too many difficulties. It can be integrated with the rest of the library on a form basis —text books, periodicals, reports, etc. —treaties going along with federal statutes. Or International Law can be kept apart in a separate collection, perhaps divided into Treatises, and Official Publications, Reports and Documents.

For a larger collection a classification is advisable. Our Chairman is the author, as you probably know, of a special *Classification for International Law and Relations,* which, I think, is

an improvement upon the Library of Congress "JX" scheme in arrangement, in notation, and in being-up-to-date. It has eliminated much of the unnecessary subdivisions of the L.C. classification, yet for even the largest collections it should be quite adequate. For medium-sized libraries it could be easily simplified if necessary.

The Schwerin scheme includes international relations and international organization as well as international law. Which leads me to the second part of my topic, United Nations materials.

I am not going to discuss what to do with a large depository collection of U.N. documents such as is found at Columbia, but rather what the librarian of a non-depository library should know about them so that he can get what he needs, either through purchase or inter-library cooperation. The United Nations has set up a system of depository libraries throughout the world, of which there are thirty-three in the United States. Most of these libraries are obligated to serve anyone who needs to use the documents. A list of them appears in the catalogs of United Nations publications available from the sales agency, Columbia University Press. These free, indexed catalogs are useful for those who have the documents and for those who have not. The non-depository or non-subscriber will frequently find items of legal interest. Besides the *Treaty Series* which I mentioned there are the *Yearbooks of the International Law Commission;* a loose-leaf service, *International Tax Agreements,* and several other valuable collections of laws and legislation dealing with aspects of maritime law, nationality law, welfare, mining, drug control, etc. Its many statistical, economic, social and legal studies have proved useful to various groups of people.

For a library that wishes to be informed on the activity and organization of the United Nations itself, the first choice is the monthly periodical, *United Nations Review,* plus the *Yearbook of the United Nations,* and a handbook, *Everyman's United Nations.* These also serve to facilitate research in the use of the official records and documents of the U.N. The official records of the principal organs, the General Assembly, the Security Council, the Economic and Social Council, etc. are fully published, and may be obtained separately or by subscription. Then there are the so-called "processed" or mimeographed documents which are considered to be for the immediate use of the U.N. or its delegations or member states. These include large groups of "limited" documents, which, because of their temporary nature, are not even distributed to depository libraries. Many of them, limited or not, are later edited and reprinted in the *Official Records,* or as separate publications. Research libraries which need to have the full mimeographed documentation of the U.N. or of any of certain groups of them may, if not depository libraries, subscribe to these by arrangement with the United Nations directly.

The entire series of United Nations documents, including the printed *Official Records,* is also issued on Readex Microprint, the cost of which comes to less than the original documents by subscription, not to mention the sav-

ing in processing and upkeep. Moreover, it is the only way possible to acquire all the earlier documents.

So there are various means of getting at the United Nations documents or obtaining information about them if a library is interested.

Besides the United Nations there are other international agencies issuing publications of special legal significance, particularly the International Labor Office with its *Legislative Series* containing translations of texts of foreign labor laws.

Time does not permit me to more than mention the enormous proliferation of new economic organizations, particularly the European communities, which have a vital bearing on business and economic life today. The documents of some organizations are difficult to track down; others have a well-set-up system of publication and distribution. The best overall publication, by far containing both studies and documents, is the *European Yearbook* published by Nijhoff.

All in all, international law is an exciting, fast developing field of study and action, of great significance in our day. And law librarians of many types of libraries would do well to look to their collections.

CHAIRMAN SCHWERIN: Thank you, Florence.

Before I throw the meeting open to discussion and questions and answers, I would like to give Mr. William R. Roalfe, the President of the International Association of Law Libraries, time to make a short statement about his Association. Mr. Roalfe.

MR. WILLIAM R. ROALFE [Northwestern University Law Library, Chicago, Ill.]: This may seem like an intrusion in a panel discussion of this kind, and indeed, I believe in some ways it is. Therefore, I will be quite brief. However, it seems to me that mention of the International Association of Law Libraries is justified here. First, because the Association was created at an organization meeting that was sponsored by the AALL during the last annual conference in New York, and second because some of those here are members of the Association. I hope that others will feel that they would like to join in the future.

Of course, we are engaged in what might be regarded as a pioneering venture, and an attempt to set up a program of service in an area for which no international association concerned with the field of the law is at present willing to assume any responsibility. Stated briefly and largely in terms of the constitution, our purpose is that of promoting on a cooperative basis the work of individual libraries and other institutions interested in or charged with the responsibility of collecting materials on a multi-national basis, and in facilitating the research service or other services that would be provided by such institutions.

Fortunately, some of our time-consuming organizational problems are out of the way. We have a full slate of officers with Howard Drake of London as the Vice President, Bill Stern in Los Angeles as Secretary and Mr. Johnston, Treasurer, in Canada.

We have elected four directors, one in Holland, one in Geneva, one in Argentina and one in Japan. We have

a nominating committee working now on four additional names as provided under the constitution, so we ought to be in a position to get under way very soon.

Our membership also represents fourteen countries including such distant parts as Hong Kong, Australia and Burma. So you see, the base is gradually broadening. We hope soon to develop a program that will be helpful to people engaged in this particular area of responsibility to the members of the legal profession and all of its branches. This program would include the issuance of a bulletin for the dissemination of information, encouraging the development of bibliographies, check lists and other bibliographical tools concerned with the particular field, provide a common pool of information that would be of interest to all of us, and find ways to distribute that information and facilitate the exchange of materials between libraries in this area.

Obviously, one of our urgent needs is to expand our membership, and I hope that if any of you are interested in becoming members, you will see me after this meeting. Thank you.

CHAIRMAN SCHWERIN: Thank you very much, Bob. You all know that Mr. Roalfe is not only the President of the International Association of Libraries, but one of the most influential and effective members of this organization, and in addition he is my boss. He is the Librarian of the Northwestern Law Library.

Are there any questions? Dr. Keitt.

D. LAWRENCE KEITT [Librarian, Law Library of Congress, Washington, D. C.]: I just want to make a statement in the nature of an explanation in connection with something the second speaker on the panel said, namely, that there was no large center of foreign law in the states. I may not be quoting her correctly. She did a very good job on this subject, but on the particular point I mentioned, I would like to explain somewhat the facilities of what we regard as a large foreign law center at the Library of Congress.

I won't go into any great detail other than to say this. We have books, comprehensive collections of countries all over the world, and we have a trained staff to give reference and other service to these books. The organization of the law library itself will partially explain just what the center does or how broad it is. We have five divisions—common law is not included, but we have four other divisions. Certainly under this definition of foreign law, foreign activities, we have and have had for a long time the European law division with a staff of twenty. We have the Hispanic law division with a staff of seven, and we have the Far Eastern law division with the staff of six. Only last year Congress created a new division called Near Eastern and North African law division, which is small, just getting under way, with a present staff of only three. Now that adds up to about thirty-six people who are working exclusively on foreign law. Of that staff approximately twenty-five are lawyers. They work, of course, not only in the law of the jurisdictions in which they have been admitted to practice law, but because of their broad and good competency they work

in many other areas. For instance, we have no Scandinavian lawyer. Yet we have an Estonian lawyer who works in Scandinavian law, and so it goes with many other members of our foreign law staff.

Mention was made of the interest of Congress in foreign law as evidenced by a recent enactment. The name escapes me now, but interest in Congress more recently has been evidenced in other ways. Perhaps of more interest to law librarians, last year Congress gave seven new positions of which six were in foreign law. This year Congress gave us twelve positions in the European law division and one position in the jurisdiction created as the Near Eastern and North African division. I won't attempt to describe in detail further our facilities. I simply say that the facts add up to the conclusion that there is large foreign law center in the United States which can be of service not only to the Government but to other law libraries through either library loan or to the members of the bar in the United States coming in to Washington.

I make no claim that we are the only large center. Harvard also is a large center, I would say, and can speak for itself. It is organized differently than we are, but I believe that some of you will be interested in knowing that the Law Library of Congress does recognize the need for foreign law and has for many, many years. It started a long time ago when there was little or no interest given in foreign law except in one or two other libraries, and we have many imperfections. We are striving to correct them, and we hope that we can come before the assembly later and report progress.

CHAIRMAN SCHWERIN: Thank you, Dr. Keitt.

Before giving Mrs. Roberts a chance to reply to the statement, I should like to say that you might be interested to know that the chiefs of the two newly created departments of the Law Library of Congress, Near Eastern and North African law division, Dr. Jwaideh and chief of the Far Eastern law division, Dr. Hsia are present at this meeting. Will you stand, please, so that you can be recognized?

Mrs. Roberts, please.

MRS. LILY MELCHIOR ROBERTS: Dr. Keitt, I really have not anything to answer except perhaps to apologize that I did not make myself quite clear in what I said. I realized this the minute I spoke that this might not be quite understood. I was thinking of a cooperative center, a center that is set up for the main purpose of helping smaller, other American libraries. I think the main object of the Library of Congress is to serve the Government. I am not sure if every smaller library would write in questions of a reference nature and so on that it would be possible for the Library of Congress to take care of them, but I know that in the field of foreign law there is no other place in the world where so much is done and contributed as by the Library of Congress.

DR. KEITT: We answer, I might say, bibliographical inquiries and not inquiries of substance.

CHAIRMAN SCHWERIN: Thank you very much, Mrs. Roberts and Dr. Keitt again.

Mr. Mostecky is the new Assistant Librarian of Harvard Law School in

charge of the international legal collection.

MR. VACLAV MOSTECKY: [Harvard Law School Library, Cambridge, Mass.]: What I want to say is not a question or answer again nor a statement. You can say it is almost an unpaid commercial. What I would like to say is a few words about what Mrs. Roberts mentioned, a publication which we have prepared and which is now ready for final editing and final printing. It is a list of dealers from whom we buy both foreign and British or Canadian books. We have prepared the list. I have it right here. It consists of 605 entries and an index which goes by country. Under each country you will find reference to the dealers we use at Harvard for such things as Government documents, new books, new periodicals, and of course, the older prints, out of print periodicals.

We hope this list will be of some use to other libraries. It was prepared for our own use. It was prepared to use in some updating. We are not yet sure we are going to distribute it free or about a dollar or something like this, but it should be, we feel, of use to other libraries than ours.

The other thing which I would like to mention in this announcement, we are going to start to publish an extended accessions list of what we are receiving at Harvard, not only in the field of foreign and international law, but I want to stress this, but also in the field of American and English—in other words, common law systems. Of course, I have a copy of the list right here. If anybody is interested I would be glad to show it to you later.

It is a list by subjects consisting of books, a selection of books, primarily books in English about various legal systems which we have received during the month. It will be published monthly, and again distributed probably for a very nominal fee for those of you who may be interested in it.

We have this experimental issue with some 400 to 500 entries, twenty-six pages, arranged as I said, by subjects. About 90 per cent of it is in the English language; about 10 per cent in about five foreign languages. We are planning to supplement this service. We are going to start next September and it will be available on a monthly basis. There will be an annual volume. We are planning in a way to put together the ten or so monthly issues which we will have and add to them many other foreign law items, and that is exactly why I am mentioning this. It will be called *Annual Legal Bibliography*, and will heavily reflect our own collections.*

CHAIRMAN SCHWERIN: Thank you, Vaclav for your interesting announcement.

I want to point out that there is a list of book dealers at the convention by Mrs. Roberts in her paper. I should like to take this opportunity to say that Northwestern's list selection of foreign legal publications, supply of which you have found on this table here, is of course, available free to libraries interested in having this list. Please write in to us, and you will receive it regularly.

Are there any further questions?

* A subscription for the current monthly service is $3.00 per annum; the annual volume will be offered for $14.00. A combination price of $15.00 for both services is available.—Editors note

Are there any further remarks? Thank you very much. Then this concludes our panel.

[The meeting recessed at 10:50 o'clock.]

11 A.M.
June 28, 1960

PANEL: PROBLEMS OF SPECIAL LAW LIBRARIES

CHAIRMAN VIRGINIA KNOX: It is a pleasure to welcome so many of you to this panel discussion of the exchange of state publications.

Our first speaker Roy Mersky, State Law Librarian of Washington State Library wears six hats in his official capacity as State Law Librarian. He is also the Secretary of the Judicial Council, a Commissioner of the Washington Supreme Court Reports Commission, State Purchasing Agent for all law books. He controls and administers the State Attorney General's Law Library, and he is the ex-officio advisor and consultant to all the County Law Libraries. Roy was formerly of the Yale University Law Library and has been in the state library field less than a year. He is already discovering how much he has missed and how wide the variety and interesting the state law library profession is. Like any new broom he is stirring things up and has already set up a system of exchange records which I am sure you will be as interested to learn about as I am. I present Roy Mersky who will talk on a "System of Exchange Records."

MR. ROY MERSKY: I notice there are a number of people here outside of the State and Supreme Court Law Libraries, and I'd like to just kind of give you a history of what we really had in mind about a year ago when we discussed the possibility of having a panel of this nature for State and Supreme Court Libraries.

It's been my observation in the few years that I have been associated with the American Association of Law Libraries that the law school librarians are a very well organized group. They get together through the American Association of Law Schools, their annual conferences, and the regional conferences, the firm librarians in the last few years have also organized very closely and are working on cooperative ventures.

We State and Supreme Court Librarians seem to be neither "fish nor fowl," we are not fully accepted and integrated within the State Library System and yet as law librarians we represent diverse character. There are people like Lawrence J. Turgeon who is the State Librarian but is also the Law Librarian. In my state we have a State Librarian and I am the State Law Librarian. The Law Librarian for the State of Connecticut, Virginia, is the Assistant State Librarian. New York has both State Librarians and State Law Librarians and Supreme Court Librarians and because of the various character that we as law librarians play in the individual state I think its been hard for us to get together and work out a cooperative program and understand the problem and needs of one another. I feel that there are areas in which we can cooperatively work together and it was my feeling that at this conference that the State and Supreme Court Law Li-

brarians should get together and discuss these areas of mutual interest but this is so fundamental that it doesn't work good on a program. It seems we had to have some glorious title about a work problem like "Exchanges."

Basically, I think our Association has done a pioneering job in the field of exchanges particularly in the area of duplicates. I don't think we've begun to do this work in the state area on the Exchange of state documents and I'd like to confine and discuss my remarks within that area.

"Neither borrower nor lender be." By following the sage advice of the Stratford Bard, we could perhaps eliminate a great deal of record-keeping and burdensome work. We are, however, not able to do this. It seems that we have gone through the entire economic cycle when we talk about exchanges. Really, exchanges are nothing but the original barter system that our cavemen ancestors used.

If we recall the simplified organizational life of the cavemen and use that as our basic philosophy in working out and developing exchange programs, we'll find ourselves that much more ahead of the game. Exchanges are valuable only if we remember to keep them in proper perspective.

I am strongly in favor of developing a method of exchange for state law libraries; for, based on my personal experience in using this procedure, I have been able to augment my budget by thousands of dollars.

In preparation for this panel, I did an extensive amount of reading on the subject of exchanges. I won't bore you with the bibliography, but I will mention that the articles ran from those saying that nothing has been done or written about the subject of exchanges in the library field to those articles saying that so much has been written, that if we were to read these articles, we would not have time to conduct proper exchange programs.

My own feeling is that there is a large collection of materials to be read on the subject of exchange, if one so desires; but much of it is filled with gobbledegook and areas that are of little interest to us as law librarians.

The practice of arranging exchanges in library work dates back as early as 1694, when the Bibliothéque Nationale exchanged duplicates for English and German books.

The area of exchange work in libraries today has, of necessity, developed into a branch of library work. For example: the Library of Congress exchanges annually 4,000,000 items, which does not account for its million and a half pamphlet materials nor its extensive newspaper exchange collection. It has a staff of sixty people, with almost a dozen professionals.

Our own American Association of Law Libraries has been a pioneer in working out exchange relations and exchange programs in the duplicate area. One finds, in reading the professional library literature, numerous references to our Association and the methodology used in exchange work.

The function of an Acquisition Department of a library is to acquire such printed or manuscript materials as are required to meet the present and future needs of the institution which it serves. The needed materials may be acquired by direct purchase,

by solicited or unsolicited gifts, or by means of exchange. Exchange may take the form of an inter-change of duplicate material in one library for needed material. Exchange may also take the form of a mutual interchange of the publications of one's own institution with those of other institutions.

For the purposes of our discussion, I think it is important that we confine ourselves to the area of exchange of state materials. We have already worked out one of the most efficient methods of exchange in the duplicate area, but it is my contention that there is some pioneer work to be done in developing an intelligent and worthwhile program of exchange of state materials.

How should our exchange work be organized? Are exchanges a success from a financial standpoint? How shall we go about developing our book collection by exchange? These and similar queries have led me to the conclusion that it may be worthwhile to outline a practical plan for the initiation and operation of exchanges—a plan which is flexible to fit the needs of individual organizations.

Bibliographically, there are several advantages to exchanges. Material may be available through other libraries which would be difficult to obtain through regular dealers. In addition, out-of-print titles are often available on exchange when it has been impossible to obtain information on them or to purchase them from dealers. Incomplete serial sets and missing issues of periodicals can be obtained at little or no expense.

Public relations-wise, exchanges of material enable a library to build up good will and prestige for the institution. Such good will may result in future assistance of great value not limited to the exchange program.

A third reason is purely altruistic or just good professionalism—as librarians, we are concerned about good library service, not only in our own institution, but everywhere. Thus, by making materials available to smaller libraries, the services of these libraries can be improved.

A basis for exchange must be agreed upon by the libraries. This may be arranged on the basis of the value of the material, on a piece for piece basis, or as an open exchange agreement. Two factors should be considered in adopting a policy of priced exchange (or exchange based on comparative value): (1) the difficulty which arises in determining value (there are occasions when the real value of the material cannot be measured), and (2) the increased work involved both in establishing the value and keeping the necessary records. The piece for piece exchange or open exchange requires less complex records, as you will need to know only the type and number of volumes received and sent out. Open exchanges require very simple records. The cooperation between libraries which is developed will usually result, over a period of time, in a balance of the value of the material received and sent out. A library may send more to a smaller library than it receives, but receive more from a larger library than it sends.

In determining the value of any exchange programs, the costs of operation must be weighed against

the returns, both tangible and intangible.

The most obvious advantage to an active exchange program is one of economics, for it enables the library to supplement its book budget by disposing of excess material in exchange for needed material at little or no expense. The economic soundness of this reasoning, of course, must be determined by the situation within the individual library.

Now, I found it quite interesting that law libraries and particularly university law libraries have been quite unique in this area of exchange. A study done by Mrs. Helen Lumpkin in 1949, law librarian at the University of Colorado, showed that twenty-five states had statutes requiring the deposit of various state publications with the law library for purposes of exchange with other states and I'd venture to say that these twenty-five librarians don't know who they are, or that they have this power and authority to exchange materials.

The National Legislative Conference has worked out a manual for interstate exchange of Legislative Service Agency Publications. It's a very sound program and I recommend it to people to read, possibly as a basis of a manual for us, State and Supreme Court Librarians. In this manual they have a summary of exchange agreements; it's a complete bibliography of the materials available to states that are being published by the agreeing Legislative Councils. Possibly one of the first steps that we would consider is publishing a list of the materials that every state or Supreme Court Library could exchange and then working out some contractual relationship between us.

As an example of materials which I am able to exchange and possibly I am unique, I don't know I haven't explored the area enough. I have the power and authority to exchange *House and Senate Journals, Session Laws,* the *Revised Code of Washington, Washington Reports, Judicial Council Reports, Attorney General Opinion Reports,* the *Report of the Court Administrator, Administrative Agency Reports* and *Reports on State Documents.* Now, I am not obliged, by my statutes, to exchange item for item. I have the authority to exchange these materials for other materials and in return this is a sample of some of the materials that I have received. I received all of these items back from many libraries. I have a complete collection of House and *Senate Journals, Session Laws,* the *Codes of the 50 States,* Reports of the 50 States, *Judicial Council Reports* from all the States, *Attorney General Opinions* and *Reports of Court Administrators.* All of this material comes into my library free. In addition, I receive law school catalogs, law school student newspapers, law reviews, I receive probably about thirty law reviews now free as a result of my exchange program. Mimeographed textual materials published in the law schools, monographs, university press materials. I have established relations with many law school libraries who receive our materials and often the combined value of our materials runs into several hundred dollars. Law reviews only cost eight or ten or fifteen dollars. As a result we worked out agreements

where we can select from their university press publications. We are able to get Legislative Council material, State materials—I subscribe to about a half dozen popular (I won't tell you the names of the newspapers and magazines) national magazines and newspapers I get free because they might cut me off after everybody starts writing in but I get national newspapers and national news weeklies free for our library as a result of our exchange program.

One of the biggest assistance in the exchange program is the credits I receive with publishers. I can exchange these materials, publishers will buy these *Session Laws* and *Journals* and *Reports* from me and in exchange I receive credit memos with these publishers who beg for future purchases. I have supplemented my budget that way by several thousand dollars.

Now, this is all in the way of introduction to what I am supposed to talk about—records. And the records will just take one minute of my talk. We use a rotary file and we designed our own serial checking cards. Basically, when a periodical comes in its checked in just the way any other serial publication is, but down at the bottom we will indicate that we are getting this periodical or material on exchange and the institution or source we're getting it from.The date of the letter of correspondence initiating this exchange would be on our check-in card. These are just sample serial checking cards not particularly designed for exchange purposes but it's used that way. That's our check in file.

In addition, I have a complete master file for every institution, publisher that I work with in exchange and this is kept in straight alphabetical order with the name of the institution, the address and the librarian's name in pencil because there is a tremendous turnover and we won't have to redo the cards. Down one side are the materials we send to that institution and in return the materials we receive, again dated with the letter of correspondence initiating such an agreement. We do not try to keep any records of the monetary value of the materials we receive or send.

Statistically, I distribute on exchange four hundred materials and I receive back three hundred materials. I have never estimated the actual financial value of these items.

In addition to the master file, we now have a check in file and we have this master file from which I can at a minute's notice find out what I get from any one institution or what I send to any one institution. We break down our files to the various items that we distribute *Session Laws, Journals* and *Reports*. Within that section there is a card for an institution indicating what we have sent. On Washington Reports to the Alabama State Library we sent the '59 Laws one Volume on June 6, 1960. It was mailed and again the date of correspondence that I had with this institution initiating such an exchange agreement. If I want to find out if I exchanged *Judicial Council Reports* with Alabama or *Session Laws* I would go to that particular file and there I would find a card indicating the institutions that I sent them to. The purpose of this file is when our

materials come in for distribution such as the *Washngton Reports* and when the next volume will be published, we pull out all our cards on *Washington Reports* and send out a mailing.

I have a check list perhaps you might like to hear for establishing an exchange program and with that I'd like to be my closing comments. First try and organize the work of Exchanges. Check in exchanges received —don't just let them go because they're free. Prepare lists of institutions to which exchanges are sent. Let the exchange person handling exchanges serve as a clearing house for all exchange requests. Exchanges should be centered with one individual and somewhere within the acquisition or the order department. Claim missing numbers and serial exchanges. Because they are free don't be reluctant to ask for this information where items are missing. Constantly arrange new exchanges. Make contacts with units which provide materials for exchange. Make recommendations with regard to related acquisitional policies. Keep records and statistics within reason. Examine exchange relations in order to determine whether the library might not profit more through direct purchase. Organize and handle materials used in exchange work. Visit other libraries and come to conventions to effect exchange relations and to select items to be received on exchange. At this meeting I think I have worked out about a half a dozen exchange programs at cocktail parties and you can tell that to your Committee—the importance of attending cocktail parties.

CHAIRMAN KNOX: Thank you, Roy. I'd like to introduce Miss Charlotte C. Dunnebacke, of the Michigan State Law Library, who will speak on *"The Future of the Exchange Program."*

CHARLOTTE C. DUNNEBACKE: Having just heard the other members of the panel tell us about the scope of the exchange program and how to keep our exchange records I am sure that we who represent state and supreme court libraries realize how fortunate we are to be a part of a library which acquires an important segment of its acquisitions in this way. How long we will remain in this favored position is what I have been asked to predict. The role of a prophet is a difficult one to portray. Would that I had a crystal ball. Even without one we can be fairly sure that we will not go on without change, as there have been certain trends during the past ten or twelve years which have already affected the exchange program. The trends all stem from the same source—money, or rather the lack of it. The sharp increase in the cost of government has caused our state legislators to cut appropriations thus forcing the agencies to effect economies wherever possible. This is where our exchange program is directly affected.

The publications with which law libraries are directly concerned fall into about six groups—supreme court reports, session laws, codes, departmental reports, legislative journals, and miscellaneous public documents. I shall try and prophesy the fate of each.

First let us consider the supreme court reports. It is probably in this area that the exchange program is

most seriously threatened. First because there is growing inequality in the exchange, that is, the number of volumes published by the various states. California was first to recognize this and understandably found it necessary to discontinue the exchange of its reports. Other states could follow suit and with complete justification. The states having intermediate courts are getting the short end of the deal.

Another factor is the trend by the supreme courts to abandon the official reporting of their decisions. Florida, Kentucky, Oklahoma and Missouri have, in that order, made this change. This trend, which, again, is the result of increased costs and the need to effect economies will undoubtedly continue. This is, of course, beyond our province and is something that the courts rather than the law librarians will decide. That we are concerned, however, was indicated in a meeting at which some of you were present in Washington, D. C. in 1958. The problem was discussed at some length and a committee was appointed to make a further study. Mr. Philip Hazelton, the chairman, prepared a comprehensive report with a statistical analysis of the reports of each state.

The trend towards unofficial reporting presents other considerations which are necessarily tied in with the future of exchanges. Namely, the value of duplication versus the need for space. Florida and Oklahoma have continued to provide exchange copies of the reporters. Although they are an exact duplication of the regional reporters they do provide an extra copy for loan purposes. But where the states can no longer provide an exchange copy there is the question of the dollars and cents value of a duplicate. Is having a duplicate for loan worth what it costs to acquire and to house? These are some of the questions which confront us. We must be aware of both the advantages and the disadvantages of the trend and be able to talk intelligently about it when and if asked by our courts. In the area of session laws it would be my prediction that there will be little if any change. Volumes of session laws appear to be in more ample supply than any other state publications. I wonder if we are all using this material as an exchange item to the best advantage. It is often possible to set up an exchange with a university law library for the Law Review or Journal. The exchange is an equitable one, particularly in the states having annual legislative sessions. My crystal ball says "Don't be too concerned about the session laws."

The exchange of codes and compilations has never been universal. What will happen in this area is purely conjectural. My guess would be that fewer and fewer states will be able to participate, since I believe three states during the past 3 or 4 years have indicated that they can no longer do so. This is an area, I believe, where the law librarians have a real job they can do. When talk of a new official code or compilation is in the air, then is the time for us to get into the act. It is at this point that we can make someone on the code or compilation commission, committee, etc. aware of the importance of having the state codes in the law library

and the savings that can be effected if copies are furnished to the state library agency for exchange purposes. We are also in a position to advise on the format. I am, of course, referring to the trend toward the loose-leaf volumes. We all realize that they are designed to meet the needs of the practicing lawyer and while they may or may not be fine for that purpose (I am not ready to agree that they are) I believe there is serious objection for the law libraries. This also was discussed at the meeting in Washington and I believe we were unanimous in our decision that they left much to be desired. The danger of incorrect filing is always present. But there is a much more serious objection. It is the law library that is called upon to produce a given citation one, two or thirty years hence. This, I submit, is impossible under the loose-leaf system. It is also our responsibility to preserve materials for the purpose of legislative history (in the narrow sense) and this again is virtually impossible. I believe no system has been devised whereby one can keep the replaced pages and be able to find a given citation without great difficulty.

I am afraid I have digressed a bit from the future of exchanges but I believe the problem of loose-leaf statutes is of great concern not only to state libraries but to all law libraries. It would be interesting to hear some discussion of this problem. There are undoubtedly some valid arguments in favor of this format. In fact I believe there are some excellent modifications and variations of the system. At any rate it is again the responsibility of the law librarian to know the problems and be able to talk intelligently with the compilation or code commission if and when the opportunity arises.

Another category which has already fallen under the economy ax covers the annual reports of the state agencies, reports on special areas of activity, pamphlet laws, etc. Some are no longer published at all or have fallen behind in publication, others have been cut back in the number of copies printed.

The importance of these publications was expressed so well by Margaret Coonan when she was a member of a panel at the Los Angeles meeting in 1953 that I would like to quote what she said. "The importance of a public document to a government official is obvious. For the state officer, the public document is often his case in point. A chief executive or department head wants to find a precedent for a plan which he believes will increase the efficiency of government administration. He finds his most powerful argument in facts and statistics from annual reports of like agencies which are functioning in sister states or in the federal government. What the law text, encyclopedia or digest is to the lawyer, the public document is to the state official." This, I believe is truer today than it was then. Yet it is in this area only seven years later that we find some of the most serious curtailments in distribution. In Michigan and I expect in other states much of the material that was furnished not only from the state library but from the distributing agency is no longer available. About five years ago Michigan passed a law requiring that a

charge be made for all state publications to cover the cost of printing. While the library is not charged for its exchange copies, the new law has affected the number of copies furnished. Our documents librarian considers herself fortunate if we are supplied with 15 copies of many of the publications when we used to get 75. At times a letter to the top state brass is necessary to get even 2 or 3 copies for our official collections. With the steady rise in the cost of printing as well as the increase in the cost of government generally we can predict that the situation may get worse unless we do something about it. I believe it is a part of our job to try and stem this tide of economy when it reaches the point of being false economy and actually works to the detriment of the state. We must watch for any possible amendment to the laws regulating state publications which may threaten our exchange program. We can also take positive action. We should be constantly alert as to what the various agencies are doing publication-wise. We can let them know how important our law libraries are to them—that much of the material is available to them only because of the exchange program. We can enlist their help in getting sufficient copies to carry out this program. While we cannot go to the legislature as a third party beneficiary to plead our cause the agencies directly concerned can if they are aware of our needs. With all the emphasis on interstate cooperation in the areas of crime control, juveniles, mental health, oil conservation, water resources, etc. the exchange of state publications should have just as important a place in the picture. As Miss Coonan pointed out so well, without the adequate resource material in the libraries these other programs cannot be as effectively carried out.

Before I close there is one other suggestion I'd like to throw out. If it is feasible, I believe it would be helpful. I am wondering if a couple of items of exchange information could be added to the wonderfully helpful "Check-list of State Publications" compiled by Frances Holbrook and published in the *Law Library Journal*. The state library agency could furnish the additional information as to which of the publications are available on exchange and from what source. This might be accomplished by asterisks and footnotes and add little to the cost of printing, although it would undoubtedly add to the work of compiling. This would keep the exchange information current and would be, I believe, of real value.

If I have gone astray from my role as a prophet and ascended the soapbox I hope you will forgive me. I know that many of you are already doing the things I have suggested. You are a shining example for all of us to follow.

CHAIRMAN VIRGINIA KNOX: Thank you Charlotte for an interesting talk. We regret that the third member of the panel, Lawrence Turgeon, State Librarian of the Vermont State Library, who was to have talked on the "Scope of State Exchange," due to illness in his family at the last minute was unable to attend. Are there any questions or comments from the floor?

DAN HENKE: Just as a footnote to

what Roy said when he first went out to Washington State he made a proposal to us about exchanging the California Law Review for certain of the Legislative Journals of the State of Washington. It so happened that we didn't need the Legislative Journals of the State of Washington but I think that the business of exchanging Law Reviews for Official State Publications is a field where we can really make some budgetary progress. Our situation on the California Law Review is that it's run by a private corporation; we don't get free copies. However, if it costs us six or seven dollars or whatever the price is for a subscription it's well worth it to us to buy that and to send it to you if you have Session Laws that weigh in at eleven fifty. That means that we make a little money but you may have a whole basement full of Session Laws that you get free from a State printer. I don't think that we're moving into the field of competition with book dealers in this area and I certainly wouldn't want to do that but I do think that on certain of these Session Laws there is a real field where we can make some money. I'd buy ten subscriptions to the California Law Review and exchange it with you for State Statutes or other pertinent items that we might want. The other point that he mentioned is this National Legislative Conference. This is a wonderful meeting to attend if you're in the State Library field and I would encourage all of you, if you possibly could, to get the funds to go to this. This Depository and Exchange Program that they are working out is very good for these Legislative Council Publications. It's not working as well as it was planned the reason being that the Legislative Research people just want to swap the stuff back and forth and many times these materials don't get into the State Library where they are catalogued and well organized. The Legislative Reference Librarians are working very hard on this problem.

One other item that's really not pertinent to this discussion of State Publications is the Library of Congress Gift and Exchange Service. I just discovered that this is quite a gold mine particularly where you have long runs of government documents. They have a whole lot of these things that they get from Congressmen etc. and they'll sell them to you, things like the Congressional Record, the Statutes at Large and that type of thing, for $1.25 a volume. That is just about their handling charge and this is a good source of materials.

The other thing that I came up against is the Federal Records Storage Centers who get Federal Documents from all the Federal Agencies in their regions and if they get what they want and have a surplus they just throw it away and we have been able to arrange with them to get this surplus. This might cause you a lot of trouble going through this stuff but you might also find a great deal of documentary material that's of use in a law library and which the book dealers I don't think would make much profit on because it's little used and there always isn't a ready market for it.

I might say, Roy, that I do remember the Exchange deal that you proposed and it's going to pay the way of the California people to the next ten

conventions. Thank you very much.

ELIZABETH HOLT, Pennsylvania State Library: I just wanted to come up with two more ideas to supplement your budget adding to Roy's. When I was at Nevada we bought copies of a State Bar Association Journal which we then added to our Exchange and this was again a question where you saved money. It was very inexpensive and yet we got many materials which would have been difficult or impossible to get otherwise.

At Pennsylvania we have arranged—and I admit I had nothing to do with it, it was already in practice when I got there—to have the State Bar Association supply us with their Journals, as many copies as we want for Exchange purposes. Through this by sending people the State Bar Association Journal we get many additional materials for our library in exchange for it. You have to talk to your Bar Association, you have to also stay in good standing with them but this is really a very workable system and I can truthfully say at Pennsylvania we can get any number of copies of the Bar Journal as long as we are getting something in return. They make no check on it but this does give us this additional material and I think Roy might consider this for his operation and any of the rest of you but this is one place where you can help yourselves.

CHAIRMAN KNOX: I regret that there is no more time but thanks to the panelists and the participants from the audience. I would like an expression in response to Roy's opening comments as to whether you think it has been worthwhile and would like to continue such a meeting as this of State and Supreme Court Law Librarians. [The audience indicated in the affirmative.]

MISS FRENCH: We had a meeting this morning of the Law Library Journal Committee and we have just been informed that in every issue of the Law Library Journal there will be a page devoted to Firm Law Libraries and their problems. This brings up the possibility of having a page devoted to State and Supreme Court Law Libraries.

MR. MERSKY: I think it important that we leave here today with some kind of a committee of State and Supreme Court Law Librarians who can work during the year and petition the program committee of next year to plan a panel to discuss the organizing of a more cohesive group of State and Supreme Court Law Librarians.

[MISS SNOOK pointed out that a new committee cannot be formed without the approval of the Board and offered to bring it up at a Board Meeting toward the end of this session which would be Thursday night.]

[MISS MARY BALLENTIN, Milwaukee County Law Library, inquired about the possibility of County Law Libraries being included.]

[MISS SNOOK pointed out that the division up to now has been between Law school and non-law school libraries, 145 law school libraries and 701 non-law school libraries. The feeling of the Board has been that it is undesirable to form small groups and might divide the profession unnecessarily.]

CHAIRMAN KNOX: As is usually the fate of those who make suggestions, with your approval I will appoint Roy

Mersky to form a committee to look into the matter.

The audience indicated approval and the meeting was closed.

TUESDAY MORNING SESSION

June 28, 1960

OUTLINE FOR A PRIVATE LAW LIBRARY PANEL DISCUSSION AT 1960 AALL MEETING[1]

INTRODUCTION

I. Administration of the private law library
   - A. Arrangement of collection
   - B. Supervision and Staff
   - C. Budget
   - D. Reporting to management and legal staff
   - E. Library Communication

II. Reference work in the private law library
   - A. Current information
   - B. Legislative reference
   - C. Memoranda of law and opinion letters
   - D. Records and briefs

III. Circulation work in the private law library
   - A. Charging library materials
   - B. Interlibrary loans

IV. Technical processing of materials in the private law library

ACQUISITION PROCEDURES

- A. Book selection & Ordering
- B. Accession records and serials checklists
- C. Looseleaf services—use and retention
- D. Binding

CATALOGUING PROCEDURES

- A. The catalog
- B. Pamphlets & Vertical file materials
- C. Discarding of materials in the private law library

The Round Table discussion on the "Manual of Law Library Operations," convened at 11 o'clock with Miss Elizabeth Finley, Librarian, Covington & Burling, presiding.

[1] The private law library panel discussion consisted of questions and answers keyed to an outline, copies of which were supplied to all persons attending the session. Without such outline, the panel discussion would be meaningless to the reader. Therefore, the editor has inserted at this point, the main captions of the said outline.

CHAIRMAN ELIZABETH FINLEY: This group is known as the Committee on Private Law Libraries. It is made up of some members of the AALL—chiefly librarians of law firm and company libraries. I stress committee because that is what we are. The AALL has never divided into sections, divisions or groups as have the larger library associations. This, it seems to me, is one of the big advantages of our organization over the SLA and the ALA. We remain a unit, our problems intertwine, our interests overlap, our objective—whatever type of library we are in—is the same: To serve the legal profession.

Our committee is so large that there has to be a guiding unit—a sort of committee of the committee. This does not mean, however, that all eighty of us can relax and leave the job to be done to the committee of the committee. All of us who have signed up for this committee have, by that act, agreed to serve on the committee.

This meeting is a call to service; service not only to private libraries, but all small law libraries and to the AALL. Our project is to compile a manual—a very practical manual—on how to run a "one man" library. This may sound pretty elementary to all of us, but let me tell you this: In my varied career in the AALL, I have received many letters from persons who said: "I have just been appointed librarian here, what do I do now? What does the AALL have that will help me?" My answer had to be, "Consult the Law Library Journal; read Price, Roalfe, Pollack; go to the Institutes and AALL conventions; take this or that course here or there around the

country." But what these eager persons wanted was practical information, all in one place.

This committee has undertaken to produce such a manual of practical how-to-do-it information. The committee has prepared an outline, with suggested topics to be covered in each chapter. This outline is not to be considered final—other topics may be added—and certainly the suggestions for each chapter are not all-inclusive. They are only suggestive.

The purpose of this meeting is to discuss the outline of the manual, and to find volunteers who will author the chapters. It is our hope that the manual will be one of the AALL publication series and of course, each author will be given due credit.

Our panel of experts is primed to answer questions. They are not going to make formal statements. We want this to be a committee meeting, and we want you to rise and speak your mind. We also want you to feel inspired to write a chapter of the manual.

Because of our short time, we will have to ask that our honored guests who are not members of the committee please do not ask questions because we have to get through this as promptly as possible. When you ask questions, will you please identify yourself for the benefit of the reporter, and also will you for my benefit please tell me on which page of the outline —I trust you all have your outlines with you—which page and which Roman numeral you are concerned about, so that I can refer your question to the proper expert on the panel. If anyone does not have the outline with him, there are some copies here. I think you had better be prepared with one in your hand.

We are now ready for our first searching question. Who will start the ball rolling?

MR. FRANK G. KOCH [Prudential Law Library, Newark, N. J.]: First I would like to commend the members of the committee for this wonderful job of preparing an outline. I would like to refer to Item 1-A.

MRS. LIBBY JESSUP [Librarian, Cadwalader, Wickersham & Taft, New York, N. Y.]: I am the 1 A'er.

MR. KOCH: I think some thought might be given to the fact that the arrangement used in a library depends to a considerable extent on precedent —by that, I mean what people are used to. Changes probably should not be made merely because you have some scientific plan which looks well.

MRS. JESSUP: I think the answer to that question is that the arrangement of your library is based not only on the convenience to the user of the library, but to those who have to service it.

I think all of us have had the experience of loose-leaf services. It would be awfully convenient to have them all within the library and all readily accessible to the person who has to work on them, but you couldn't get a tax man to give up his tax service if you threatened him with all sorts of dire action.

The basic reference items obviously have to be in a location where they can be used quickly and expeditiously. You have to have a work table near them, and beyond that you have to have your other materials available

for quick access. I think that is logical.

MR. KOCH: I might mention one detail I had in mind. It is suggested here that the textbooks all be together.

MRS. JESSUP: On that score I am inclined to disagree with the outline because I think that while basically all texts should be together, there are a number of very real exceptions. In our library we segregate the tax texts. In fact, all tax material is out of the basic text collection. I think most of us have had that experience. If your firm happened to be specializing in labor law, you might find it necessary to segregate that material, but, on the whole, I think the idea of keeping the texts together is a good one because the average private law library doesn't have the tremendous text collection that universities do. The average private law library has perhaps several hundred volumes of current texts. It would be rather foolish to spread them out and have a subject classification for the material in the textbook room.

MR. KOCH: Perhaps our situation is a little bit different. We have generally speaking an alphabetical arrangement by author, but in our library we have certain subject classifications where we think it wise. In addition we have a separate group for New Jersey text, which is our own state, such as some people keep the Federal material separate.

CHAIRMAN FINLEY: We are ready for more questions. We hope some of you people are considering which chapter you would be interested in authoring, in which case I should think you would like to investigate further the particular chapter that interests you.

MR. MORTON BARAD [Librarian, Reid & Priest, New York, N. Y.]: How could you let the person or persons in charge of the library know of the time consumption in the filing of the loose-leaf services?

MRS. JESSUP: I recognize it. I think you can do that in one of two ways. Basically, it is a matter of communication, isn't it?

I think probably the most appropriate vehicle for communicating this kind of information would be a report to the committee in charge of your library, reporting on the status of the library, on the procedures, on the time allocations, and various library chores and operations. I think that is the method I would use.

MISS EILEEN M. MURPHY [Librarian, General Motors Corp., General Counsel's Office, Detroit, Mich.]: I would suggest that he do a time and motion study—how long it takes him to file each one. After he itemizes this for a month, based on how many services he gets, put it in the form of a memo or report, as Mrs. Jessup suggested. You might then suggest that if you had an office boy who could do this work, you would be free to do thus and so, which would be of more value. It is only with figures and facts showing how you can add to service that you will sell these people.

Time to them is money.

MR. BARAD: I see. Thank you.

CHAIRMAN FINLEY: Are there further questions?

MR. KOCH: I have asked a few people the answer to this question. I think I ought to ask you.

What is a professional in the library field? You need that answer before you can answer some of the questions.

CHAIRMAN FINLEY: I think that comes under the introduction section.

MR. JACK S. ELLENBERGER: There many problems in this answer, of course, and we are putting the cart before the horse because you are going to hear some more about this subject this afternoon. However, in constructing this item on professionals, I think the committee, at least the people I was working with on the outline, felt that the professional in a law firm library meant lots of things to lots of different people. I don't think on this one we can begin to make any standard recommendation for what qualification they should have. That is what you are really interested in. Presumably, some kind of certification standards from the Association may come about in time. Right now we have such a vast range of library capabilities, interests and people that we can't at all begin to satisfy a standard by saying that they must have so many years of training in this kind of work in order to serve a library system which has many corporate and other interests. At this point the only general recommendation we can make is that it is going to take somebody who has the ability to administer a small library operation, is generally well read, has some abiding interest in the practice of law—primarily, not an academic interest so much as an understanding of the practical features of litigation, of probate practice, of corporate practice and so forth, and who knows the books within the field which can work for the individual attorney. This seems to me more important than anything else. Of course, a very great willingness to serve people individually and consider individual problems enter into the qualifications. You don't run into this so much, of course, generally with the larger academic library where you have larger staffs and a greater capability for handling requests for bibliography and general reference work.

The firm librarian is required to catalog. He is required to be an acquisition librarian. He must do many, many things, and this catholic personality is, I think, the basic requirement. If you are asking for a standard, I cannot set one right now.

MR. KOCH: Would you say it is basically what he does rather than what he has studied or learned?

MR. ELLENBERGER: I would say so.

CHAIRMAN FINLEY: If he is turning out professional work, he is professional.

MR. ELLENBERGER: It is a hard area to cover because there are so many people in the field with different backgrounds who are all doing the job very well.

MR. KOCH: Thank you.

MRS. JESSUP: Madam Chairman, there is one question which was asked privately which I think merits discussion by this group. I think Mr. Pearce asked the question about what type of forms file you keep. I assume you mean corporate and other types of forms. My experience on this is limited. I don't keep forms filed except in connection with basic research problems. I thought perhaps someone else might be able to give us a few pointers on this subject.

CHAIRMAN FINLEY: Can anybody speak to that?

MRS. BEATRICE MCDERMOTT [Librarian, Dewey, Ballantine, Bushby, Palmer & Wood, New York, N. Y.]: Unfortunately, I am not very expert in it because we hired a man from NYU Law School who has taken over the project and done an excellent job of supervising it. When anyone calls up for a corporate form, I refer the person to him. I can say that generally we try to collect all the prospectuses we can. We clip the announcement of new stock offerings, send them to this man, and he has a messenger go out to the brokerage firm that is handling it and get the prospectuses. These are filed in alphabetical order by the name of the company.

At the end of a two-year period these are weeded out and discarded. For the other corporate forms, proxy statements, certificates of incorporation and that sort of thing, there is a card for each form listing. It is a subject index, and also an index by product because very often the type of company is important in the kind of corporate form you require. It is a very extensive card catalog, and the man in charge has a symbol of some kind on each card. For instance, in stock certificate, I think it reads: "STCER," and then a number 5. When they decided to make these forms part of the library, I said I would allow it to be housed there and take requests for these forms, but it would have to be handled by someone whom they hired just for that purpose. It involved too much work for the library staff.

The man in charge works full time. He does help out, incidentally, with Blue Sky work, making up closing binders and that sort of thing with the time he has over, so it doesn't take a full day every day.

MISS FREADA COLEMAN [Winthrop, Stimson, Putnam & Roberts, New York, N. Y.]: I have a question on 2-B, legislative records. I would like to know the extent to which small law firm libraries like mine, where we have one professional and one assistant on the staff, follows legislation—for instance, Federal and home state. I would like to know if other libraries send out bulletins. I would like to know if they circulate bills as they come through. I would like to know how much personal, direct service you give on legislation.

I know in big organizations they have a separate department, but in small firms, just what should be expected of the library?

MRS. MCDERMOTT: In our firm we have someone whom we hired just to take care of legislation. She works about three days a week and does nothing else but that. She does have some supervision of the tax library because she's in that library, but she doesn't file services. She is just there to answer calls for books and that sort of thing, but her job is legislation, so I don't think my own experience would answer Freada's question.

It would seem to me that that would be better answered from the floor by someone who has a library of her size who would tell how he or she handles it.

CHAIRMAN FINLEY: Is there anyone with a small staff who works on legislation?

MISS MURPHY [Detroit, Mich.]: Gen-

eral Motors has forty-four people on their staff. We have a Washington office, which supposedly supplies us with all legislation in which the corporation would be interested. When this material reaches the library, it is routed to the attorneys in the various fields, e.g. labor, tax, automobile legislation, the tax on cars, highway legislation, etc.

I am sorry to say, that these bills are sometimes buried among the books and in the out boxes, and I never see them again. Then all of a sudden there is great pressure to produce everything on some bill. They never remember a number. They are not sure of what the subject is, and then your search is on.

We have a business research unit in the corporation. Sometimes they give information to us. I find the Daily Report for Executives is fabulous for information. The Congressional Index is about a week behind what is going on. It is absolutely necessary that you read the Congressional Record every day because whoever is your contact in Washington usually does not do that, and you are a step ahead of him.

Beginning with the new session of Congress I am subscribing to the CCH Legislative Reference Service. I think that is its proper title. This costs $250 to subscribe. It includes the Congressional Index, and then you buy the subject bills that you want, ranging from $25 to $55 per subject. It does not include hearings which must be sent for.

I would also say if you are located as I am, in a frontier town, after having spent three years in the heart of the Government, it is very frustrating. Then you call on friends like Miss Finley. Elizabeth has been great to me. So has the Department of Justice. You have everything photostated and fly it back to where you got it from. But your main problem, to go back to your question, is the communication to the attorney, trying to find out what is in his mind. When you have forty of them working on different things, you have to be a mind reader.

MISS FREADA COLEMAN: That applies specifically to what I am after. The problem is not getting the information. The problem is following through. I circulate the bills from CCH and they get buried, as yours do.

MISS MURPHY: We will not circulate the CCH material.

MISS COLEMAN: When a certain important bill is moving, do you send out notices? I have been sending out slips saying a hearing is being held on this bill, or this bill is moving—letting them know the bill is progressing. I don't try to follow all bills because most of them die.

I would like to know what other firms are doing along these lines. It involves a lot of time but I think it is valuable.

MISS MURPHY: I rely on the BNA Services. We get a couple of copies of that and I mark on one copy the legislation that would pertain to tax or pertain to labor and route it to the man interested in the field. He follows it from there. We also get the transcript of hearings in which we are involved.

MISS COLEMAN: Do you follow through? Are you watching the legislation personally?

MISS MURPHY: As soon as I know

someone is interested, we follow it.

CHAIRMAN FINLEY: Isn't anyone interested in something Mr. Ruzicka is primed on? For instance, circulation work, inter-library loans, acquisition procedures. Does everybody feel he has all of those solved? Don't you want to hear anything more about them? Accession records?

MRS. MARGARET E. ALLEN [Morgan, Lewis & Bockius, Philadelphia, Pa.]: I would like to ask about the digest of law. Who does it in the various firms, and who assigns the subject headings? According to the outline, the librarians do it. I wonder if anybody has any unusual subject matter.

I think it is 2-C of the Outline.

MRS. MCDERMOTT: The memoranda of law in our office are indexed under a subject heading list that we have given to each associate and each partner. The subject heading list is the one we also use pretty much throughout the library for indexing. It is also the one we use in our files. The lawyers are asked to digest, if they will, the memoranda of law, but usually they don't.

They do try to suggest subject headings, but you can tell they haven't consulted the list they have on their desks, and they dream up some very odd ones at times, so we more or less digest the memoranda of law in the library. We also assign the subject headings.

Of course, very often the subject headings assigned by the lawyers, even if they aren't the actual ones in our list, do indicate what they had in mind. Actually, we feel that it would be better if the man himself would digest it because he has worked on this. He knows the salient points he wants to bring out. We have difficulty getting the lawyers to send their memoranda of law to us, and if they had to stop and digest it for us I wonder if we would ever get anything.

I think there are a number of firms where they train their lawyers so well they do digest it themselves. I wish Amy Rose were here because she told me she had a system of numbers so that when somebody had just completed a memo, he would consult this list of numbers, and just say 1-A, and that would be on her subject heading list. She could hand it to the girl, and everything would be taken care of.

MRS. ALLEN: That sounds very good. So far, one of our lawyers in charge of research has taken on himself a job of doing the digest. When he passes it on to other lawyers they don't do it.

CHAIRMAN FINLEY: Mr. Ruzicka would like to add a contribution to that.

MR. FRANK RUZICKA [Librarian, Shearman & Sterling & Wright, New York, N. Y.]: Last year in New York this happened to be the subject I spoke on—memoranda of law files. I had described an ideal system, and after that panel was over people asked me: "How well does that work out?" I said, "Come back next year, and I will tell you, because I am just putting this into effect."

Well, the year has passed, and I will tell you this. It just worked out very, very well. We give each attorney, when he comes into the firm, a copy of our subject headings and classifications. He is given a copy of an ideal form, a memorandum of law that has been digested, abstracted and subject headings assigned. It is a form for him to follow.

In the past year I had some trouble. I found especially some of the younger attorneys were ignoring the memoranda, and their list of subject headings. At this point I returned his memoranda to him and told him I would not accept it unless it was filled out properly.

Now with a system of this sort you must have the backing of the firm from the very top because this has to be enforced. I do have that backing. With that backing I have no difficulty in making attorneys fill out their form. They are doing a very good job in assigning subject headings.

We don't just accept the memoranda as it comes in. We still puruse the memoranda and see that the classifications have been properly assigned, and also to see whether we wanted to assign further headings. But I will tell you that has worked out very well.

CHAIRMAN FINLEY: Thank you. Mr. Pearce has a question.

MR. STANLEY PEARCE [O'Melveny & Myers, Los Angeles, Calif.]: I think we have been very successful with memoranda also, and we do essentially the same thing you have just said except that we work closely with the stenographic pool and the secretaries. They have copies of the forms in which the memoranda are to be set up, and this includes the subjects to be placed there by the attorney and an abstract of what they are saying. Then the stenos are instructed to make enough copies so that one comes to the library automatically. When a young man dictates a memorandum, this is part of the information the stenographer has to know in order to complete her work.

You have to have control over your stenographers and secretaries, and you sometimes get materials you don't want to use. You get practically everything that is done, and then you have to go through the material and say: Well, this is really not of any value. We don't want to save this, but you get everything you want that way.

CHAIRMAN FINLEY: Certainly someone here must be interested in pamphlet files. If not, they should be, and I am going to ask Mr. Murphy to please discuss them a little bit.

MR. WILLIAM D. MURPHY [Kirkland, Ellis, Hudson, Chaffetz & Masters, Chicago, Ill.]: File your pamphlets with subject headings. I won't go into detail because I used the system J. Walter Thompson, advertising agency, library in Chicago used, and it is very successful. It involves a system for weeding, collecting, checking, so you get what you should, and it was all written up from our discussion last summer. It sounds complicated, but it isn't, and I think it is quite effective.

MR. HARLEY A. STEPHENSON [Librarian, Sidney, Austin, Burgess & Smith, Chicago, Ill.]: What specifically do you put in the file?

MR. MURPHY: That depends on the particular needs in your own firm. Here is what I do. I might go back a little further and say we moved our offices four years ago. At that time I changed from an author system for the textbooks to a subject system which several wanted, including myself. I put pamphlets and summary arrangements on the shelves with the subject. That didn't quite work out because I lost them. I didn't have a control

over them. Then I pulled out all the Practicing Law and Continuing Legal Education pamphlets, all the state regulations, all the Chicago stuff that comes in pamphlet form, and odd issues of law reviews. We have an intensive censorship obscenity collection because of our newspaper and publishing work, and I took out all of that. Most of that is in pamphlet form, put out by the various organizations. All this material I arranged by subjects and put in the vertical file.

MR. HARLEY A. STEPHENSON: I am interested in something not on the list —insurance, specifically. I was wondering if anybody had any experience with that, insuring of their collection.

CHAIRMAN FINLEY: Has anybody had experience with insuring the collection? Usually management disposes of that.

MR. MURPHY: I might say that four or five years ago our insurance was increased, and the subject of the library came up. I didn't know what to do. Mr. McNabb, incidentally, is a big authority on this. It turned out the insurance company was very happy to send somebody in who ran around the library for two days, made a long list, which was useful for me, made a copy and gave me a copy. They insured it for a value with which I was happy.

If you have a problem, talk to the insurance company.

CHAIRMAN FINLEY: We have a candidate from the floor.

MISS MURPHY: Is it proper to revert to charging circulation?

We have to put in a charge system, and I was thinking of putting a charge card in the textbooks. Do they use charge cards if they are in books?

MR. RUZICKA: I use book cards throughout the library with the exception of material I do not wish to circulate. There are gluing machines put out by Demco and I believe one of the big library service stationers. We obtained a section of our library on duplicates, and had to pocket them. I remember that we did about 500 volumes in one hour. So that if you had a collection of 6000 books, which you wanted to pocket, you could figure two people could do it in two weeks.

It is the best system that I know of because you always will be faced with the problem that the attorneys will not be honest. Any form of a charge-out system must be controlled, and that goes for book cards, too. I think it is much easier for a person who has a book to open it and simply remove and sign a card and throw it on the desk of the librarian.

This has been a problem with us because we are open all night, and don't have a librarian in attendance. They will very nicely leave a card for us and not sign it. We know the book is out of the library, but we don't know who has it. Then, of course, we make periodical searches of the office to retrieve lost material.

MISS MURPHY: You suggest that book cards be used throughout the whole 30,000 volume library. Is that right?

CHAIRMAN FINLEY: Mr. Ellenberger, would you like to add a word?

MR. ELLENBERGER: Just one brief thing. It is probably so old-fashioned it may seem ridiculous. I am in the process of installing a charge system,

and I haven't yet really convinced everyone it will work. I am interested in seeing what response we might have here to my idea. This was the standard book charge system, using long reserve cards usually of some bright color. There are two problems. Usually the shelf space they will take, rising above the margin of the book. I wondered if anyone has been able to solve this. In extracting this card I was trying to avoid the problem of filing it and having to have someone there to retrieve the card, put it in the book and place the book on the shelf. I came up with the idea that in a reasonably small firm like mine, with some forty people, something like the old-fashioned mail box might be at the end of each section of the book shelves, and say on the bank of maybe six sections, having no more than two or three of these drop pans in which you could just throw the card. It is according, of course, to the amount of turnover you would have in your library, but this seems to be a rather good idea for me. I am going to try to put it into effect. I wondered if anyone else had done this.

It is an easy retrieval device because if somebody is looking for the book, they can go to the box, presumably by, say, the New York Supplement, and they can easily go through it themselves. They know that Mr. Smith has the book, and they can go for it themselves.

I have been trying to save filing time, and I would be interested to know if anybody else has tried this idea or anything like it.

MR. R. MAX PERSHE [Librarian, Chadbourne, Parke, Whiteside & Wolff, New York, N. Y.]: If I may report to you what we did in our library, our library doesn't have any distance between the user and the librarian. Everybody sits on the librarian's shoulders. The feeling was among the partners that the lawyer should not even take the trouble to pull out his pencil and sign a slip.

Now before that, librarians in this library had all systems which I referred to in the New York panel discussion that other library systems have. They had the ledger system and all the different kinds of card systems and other systems, and we have been through three years of the charge filing system. We built a wooden box with two channels. One channel is for primary sources and the other channel is for commercial sources. For the primary sources we developed very close checkup tabs for all reports, divided into state reports, federal reports and the National Reporter system.

MR. ELLENBERGER: This is really a form arrangement, isn't it, Max, but you are still required to file that card, retrieve it, and put it back in the book. That is what I am trying to avoid.

MR. PERSHE: Use book cards three by five. Also use slips. We found it much more convenient to use charge slips. Wherever you are, you just charge the book on a slip and it saves time. There are two reasons why we don't use book cards. First of all, we don't have enough time to put the book cards back in the books. Secondly, they would take the books out with the book cards anyway. And thirdly, if you charge out all other

materials which cannot have book cards, you have book cards and slips mingled together. I found when I worked at Rutgers Law Library this was very annoying when you have to file different cards.

CHAIRMAN FINLEY: Thank you so much. I am sorry to say we cannot continue this discussion much longer because our time is running out.

MR. CYRIL L. MCDERMOTT [Librarian, St. John's University School of Law Library, Brooklyn, N. Y.]: I may be able to help you on the insurance questions.

I had to give an estimate to an insurer about two years ago, and very briefly I could say it was largely an educated guess. Also you have a very helpful article written by Lawrence Schmehl in the Law Library Journal on insuring your law library. Of course, you will have to bring it up to date with respect to your current prices. There is also an article by one of the staff members of NYU, "Insuring Your Law Library," by Dorothea Singer, I think, in one of the recent issues of the Library Journal. The Library Journal and library literature such as Library Trends and Publishers' Weekly, will from time to time carry helpful information.

CHAIRMAN FINLEY: Thank you, Cyril.

MISS MURPHY: Be sure in insuring, too, that you argue out with the insurer the cost of replacing the catalog, your cards and legal memos or anything like that.

CHAIRMAN FINLEY: We did not mention it, but we also have in this Manual project a bibliography which was prepared some couple of years ago by the Publications Committee, but which never got off the ground. The Publications Committee is now planning to publish a bibliography. Ours originally included articles in the Law Library Journal, so that they think their bibliography—this is on techniques—would be too large to include in our manual, but they have taken out all the Law Library Journal articles because they say the 50-year index covers them.

I am inclined to think the Law Library articles at least if brought up to date, would be an added asset to our manual as an appendix because many of the people to whom this manual will go will not have a file in their own library of the Journal, and they will not have the 50-year index. If they use the bibliography and find there is an article of interest, they can borrow that one issue.

I am afraid we will not have anybody at this moment offer to write any chapters of this manual. I hope you have enough interest to turn it over in your mind and study the outline which is subject to revision, and if there is any subject that does interest you, that you will undertake to write a chapter so that it will really be a cooperative effort.

Mrs. Jessup is going to be the editor-in-chief, and if you feel the urge or the willingness to give some of your time to this manual, get in touch with her. Mr. Ruzicka is the chairman of the committee this coming year, and between the two and the group that started this manual, I think it really will eventually come out. But it would come out so much more quickly and cover so much more

experience if people who are not on this particular panel would contribute some of their time.

I don't expect an answer from anyone now. I am so sorry time creeps up on us, but we can chat up and down the halls. Thank you all for coming.

[The meeting recessed at 12 o'clock.]

TUESDAY LUNCHEON SESSION

June 28, 1960

The luncheon session convened in the Minnesota-Illinois Room at 12:30 o'clock with Miss Frances Farmer, President, presiding.

Seated on the dais were Mr. James Ryan and Mrs. Virginia Degidio, of the Minnesota Mining Co., Legal Dept., and Mr. and Mrs. Howard Bates, of the Bobbs-Merrill Co., cohosts of the luncheon; Mr. John Harvey, Dean Jack Dalton, and Mr. Sydney Hill, Mr. Arthur Pulling, Dr. Miles O. Price and President-Elect Elizabeth Finley. President Frances Farmer presided.

Before luncheon was served, the invocation was pronounced by Mr. Dillard Gardner. President Farmer presented the principal speaker, Dean Jack Dalton of the Columbia University School of Library Service, who addressed the session.

DEAN JACK DALTON: Thank you, Miss Farmer. Thank you, ladies and gentlemen. It was exactly six years ago this week in this hotel that the travels to which Miss Farmer has referred began and that my interest in the education of librarians and the kind of librarianship in which we are jointly interested began to take a new direction.

I was here for an American Library Association Conference and I had at that time the good fortune to be serving the Association as chairman of its Board on Education for Librarianship, in which capacity I was invited to serve as an advisor to the Ford Foundation, the University of Ankara, and the Director of the Institute of Librarianship which the University of Ankara wanted to establish in Turkey. This was the beginning of my interest in the kinds of librarianship that two years later I was offered an opportunity to examine at closer range when, with a Rockefeller Foundation grant, the ALA opened an office of international relations.

At that time the Foundations were expanding their operations in Asia, the Middle East, Latin America and Africa. The International Cooperation Administration was stepping up the kind of joint operations that resulted in the university contracts with which many of you are familiar and with which many of you have doubtless had some experience. They were beginning to be concerned about libraries because whenever they began to set up an educational program, or wherever they began to talk about research programs in such fields as agriculture, medicine, or public administration, they found that one of their first problems was likely to be a library problem. In many of the areas suggested by the names Miss Farmer mentioned, library development had been quite different from library development as we have known it here. Consequently among the first questions we began to discuss were what kind of library training is needed for

the development of libraries in the areas; or the joint educational programs in which we expect to be more and more jointly concerned.

I have been around the world several times to talk about library needs and problems with library associations, university presidents, librarians, ministers of education, people who wanted to start library schools, and people who wanted to come to this country to study librarianship. Many of these people had notions about libraries and librarians and the functions of both which would seem to you passing strange, and quite naturally, considering the differences in their cultures, their recent histories, their educational ideals, and the resources with which they have worked.

Consider, for example, the difference between Japan, one of the most bookish and literate nations on earth, and Indonesia, a nation trying after centuries of Dutch Colonialism to catch up as quickly as possible with the industrial world around it. On the one hand, Indonesia, fighting a revolution, spending most of its income on its military needs, the majority of its people illiterate, but with a real desire matched by heroic efforts to create a library system which will enable them to improve both primary and adult education. All this in a situation where there aren't enough books, not even enough paper for basic needs. On the other hand, Japan, with a long bookish tradition, virtually no illiteracy, highly industrialized, the home of the world's largest city, a city incidentally with more than five thousand bookstores.

This is only one example of one kind of diversity. There are many others. Of course one doesn't have to go abroad to find diversity. Your president comes from a State where I lived for fifty years; she and I can testify to great diversity in that small area.

During the past four years I have given a good deal of time to such international organizations as the International Federation of Library Associations, the International Federation for Documentation, and similar groups where I have discovered it is a little difficult to know what is meant when one says "I am a librarian."

When I returned home earlier this week from the A.L.A. conference in Montreal, I found on my desk a letter from the Director of the Foreign Language Program Technical Information Project of the Modern Language Association of America. He told me that his group was studying "the emergent profession of science information work" and hoped to publish shortly a document which would "define the profession . . . describe the present state of the profession, discuss employment prospects, consider recruiting problems and education and training requirements." As a library school dean I was asked to comment on "the educational, training and recruiting needs for Science Information Specialists." Earlier this month I had a letter from a librarian in another country, a librarian working on a paper to be presented to the International Federation for Documentation next month. She wanted to know if the library schools are capable of producing documentalists and she

asked a series of questions about documentalists.

I don't know how familiar you are with the documentalists, but if you have worked around from East to West, as I have you have almost certainly discovered that in Europe the scholarly librarians, the librarians of the big national libraries, the librarians of the university libraries, tend to take a rather dim view of their brethren, the documentalist. They tend to think of him as a gadgeteer. They tend to think of him as a Johnny-come-lately, a person preoccupied with methodology, with those aspects of librarianship which the scholar in general is willing to leave to him as a gadgeteer. But if you have looked at the matter from half-way around the world, say from Tokyo or Delhi, then you have found that the new profession of the documentalist is something else again. The documentalist is likely to be the specialist—lawyer, physicist, or chemist. In his view, the librarian is the man down in the basement who takes care of the books after the documentalist has finished with them and has sent them along to be adequately cared for until a serious need arises again. They go by other names. They are information officers or specialists. But very rarely are they librarians.

There is only one country to my knowledge in the world today in which librarians, archivists, and documentalists, to take the three major groups, are even brought together in one national association. That country, you may not be surprised to hear, is Indonesia. I hasten to add that this was true when I visited Indonesia in 1957. When I talked with a colleague from that country less than a year later I was not surprised to learn that the usual tendency to split up had already appeared. Of course, we have gone about as far as you can go in splitting up in this country, what with medical librarians, music librarians, special librarians, Catholic librarians, law librarians—the list is long.

All of which leads me to wonder just what is a librarian and how do you educate him? The two extreme views on the latter point are represented by two friends of mine who have recently been telling me what I ought to do. One takes the position that the library school should not address itself to the problems of a particular profession or group. It should deal only with general principles which apply to all of them; to concern oneself with specific interests is disastrous. The other is urging me to set up a course for secretaries of New York business men which will enable them to get together the materials their bosses need for their speeches.

Hoping to find some assistance from reading your *Journal,* I have spent a good deal of time with it these past few weeks. And may I say in passing that I think it is in a class by itself among the library journals of this country. It is superb and I am going to read it regularly from now on. [Applause] Much as I enjoyed it, however, I came away from reading it without the assistance I sought; I found nothing like unanimity of opinion as to what a librarian is or should be. In one of your recent issues, Sir Frederick Pollock said, in an article I hope you all read, that a

collection of all the law books ever published would not be an efficient law library. He went on to say that to make a good law library you must have a good collection of law books and a good selection of other books with a view to the special purpose in hand. We wouldn't quarrel with that. And we could agree that the law is a profession of books. But how far can we agree on what a librarian is?

I said a moment ago that I had just returned from Montreal where the American Library Association met last week. One of the most interesting meetings that took place there was a session of the Library Education Division, cosponsored by the Canadian Library Association's Library Education Committee and several other interested groups and devoted to equivalencies and reciprocity and an attempt to evaluate library education in Canada, Great Britain and the United States. There were speakers from the three countries. This session was a long time in the making but the results were far from satisfactory to the large and interested group present. Now the American Library Association and the Canadians have struggled with this problem a long time and we decided about ten years ago that for our purposes the basic education for a librarian should consist of a minimum of four years of college work and one year of technical training in a library school. We could go on debating for a long time how these elements should be distributed, but we were agreed that these were to be the elements and that the college program should include "(a) general education . . . a systematic survey of the various fields of knowledge, concentration in one or more subject fields, background courses of special value in library service and (b) study of professional principles and methods common to the several kinds of libraries and of library service. . . ." These are distinct and important and separate elements to be combined when any accredited library school in the country gives it degree, and this is one of the most difficult things that a dean of a library school has to explain day after day.

The difficulty arises because governments and the foundations are bringing a great many people to this country these days for an education, and as all of you know, anyone who goes to a university in another country wants a degree to take home. As you also know, it is quite possible, given a satisfactory understanding of the language, to pass certain technical courses in certain areas. My problem is the problem which arises when a student who has come and who has passed a certain number of courses says, "But why can't I have a degree?" We have not yet worked out any satisfactory way of determining equivalents upon which we can settle some of the problems that arise.

This is a particularly acute problem with our British colleagues because in Great Britain a person is a librarian who has passed the Library Association examinations and who has worked in a prescribed library for a specified period of time.

In recent years this has created something of an international problem, and when we got together in Montreal to settle it, I am afraid it

must be said that the discussions ended in something close to acrimony. [Laughter] And this among librarians who speak the same language, are working toward the same ends and trying hard to arrive at a basic minimum level. This being true at that level, what can we hope for when we begin to specialize and go on to become medical librarians, law librarians, theatre librarians and music librarians?

A while ago I referred to a query from a Modern Language Association group about my views on the training of information specialists. That was an easy one to answer. I am of the opinion that the best possible training for any professional man is the best liberal arts education he can get. This should include in terms of the normal four years of college, four years of mathematics, four years of science, and four years of language. This would, of course, be just *the beginning and basic* study of these. My own view of the basic professional program has been admirably set forth in "The Educational Future of Columbia University" in these words:

> ". . . No program of professional education terminating in the first professional degree should be designed to train individuals for narrow specialties within a given profession. Such a curriculum gives the student what he can, in all probability, learn on the job, and thus neglects the obligation to give him what he is unlikely to get elsewhere. Further, it neglects the importance of providing knowledge and skills that are broad enough in character to allow the prospective professional man or woman to move easily from one position to another, including posts of general responsibility within the profession. Finally, a narrowly based curriculum overlooks the fact that professional activity requires not simply the mastery of a specialized body of knowledge or of certain technical performances, but also the selective application of such knowledge and skills to complicated human problems. It is not only expertness that is required, but also such qualities as insight, imagination, sensitivity, and ethical responsibility. Of course, no direct method of education can guarantee to impart these virtues. It is also plain that they cannot be developed in the absence of precise knowledge and rigorous intellectual exercise. But it is equally plain that they are more likely to emerge from a program of professional education that is characterized by breadth and by systematic attention to related fields of study. Accordingly, one test of the quality of a program of professional education is whether the courses it contains are concerned primarily with the intellectual foundations of professional work. It goes without saying that instruction designed to develop skills which are essential to the profession cannot be excluded from a professional program, but training in particularized rather than generalized skills must be held to a minimum."

Are you ready to accept the level which The American Library Association and The Canadian Library Association have established as the basic level of training for the librarian and to go on from there to a discussion of the higher level of training needed for the law librarian? Higher in the sense of minimum requirements, minimum levels to be attained, not higher in the sense that any given law librarian is a higher order of being than any other librarian around, of course. If I read your statistics correctly, the time has long since passed when it makes much sense to debate any more over whether there should be one-degree, two-degree or three-degree law librarians. History has settled that matter; you are a three-degree profession from now on. I think Miles Price's figures show beyond question that this is

where you ought to set the standard for a law librarian; I am glad that it is so.

I have been interested in what you have to say in your Journal about the number of years of study required and about the financial return. If a person with a college degree takes three years of law and a year of library science, he has acquired his professional training in a shorter period of time than the average Ph.D. Candidate can hope for. This doesn't seem bad to me.

I said the law library degree and the library science degree and in that order. I think that it would be extremely important when you come to settle these questions finally that you consider most carefully whether it is to be law and library science in that order, or library science and then law in that order. I cannot agree that it doesn't matter. It matters a great deal. If I am taking a class of students who come directly from college, many of whom have never seen the inside of a good working library, some of whom have never seen a library worthy of the name, and if I have the usual quota of foreign students with their varied backgrounds, there are certain things I must ask the people who are teaching these students to do. If I have a half dozen graduates of good law schools interspersed in this group, a lot of their time is going to be wasted. A series of seminars or lectures set up to take care of those six should be carried on at quite a different level.

Now I would like to wind up by saying two things. From reading your literature I conclude that you are about ready to settle your certification problem. I hope you will move rapidly. Use the grandfather clause and blanket in all the people who now belong to the association in whatever way it is desirable to blanket them in. This won't matter tomorrow, and the next day it will be forgotten. This group probably has the highest educational and intellectual level of any national association anywhere in the world today. I think it is extremely important that you set your standards as high as you possibly can. I have never known them to be set too high.

One parting comment. Having read some of the debates that have taken place and having seen some evidences here and there of judicious mayhem committed from time to time when librarians and law librarians have come together to talk, I believe it would be a fine thing if this group and the American Association of Library Schools could set up a joint committee to consider some of the problems that will inevitably arise as you move on to a consideration of the appropriate training for this person we've been discussing.

Now maybe Mrs. Gallagher has settled them all. If so, she ought to be on the committee to tell how it should be done. I suspect she would be the first to say she is still looking for answers to some of our training problems. Since it is likely that many people will be coming into law libraries with only the first two degrees for some time to come, I think we ought to consider in such a joint committee what can be done at what level and how it ought to be done. If I were to go beyond this I would be getting into the area Miles Price's panel will cover

later on this afternoon, and I don't want to do that.

So let me just leave you with the hope that you will look favorably upon the joint committee idea. If, for reasons which it would be impossible for me to conceive, the American Association of Library Schools should not jump at the idea, then you have an invitation from the Columbia School of Library Service to join us in a further exploration of the subject. Thank you.

After Miss Farmer thanked Dean Dalton, Mr. Ernest Breuer read the report of Committee on Publicity, and presented a book containing a copy of the results of the Committee's labors to William B. Stern of the Los Angeles County Law Library, in recognition of his efforts as the founder of the Index to Foreign Legal Periodicals.

The session was then adjourned.

TUESDAY AFTERNOON SESSION

June 28, 1960

The panel session on "Certification and Education of Law Librarians," convened at 2:40 o'clock in the Iowa/Wisconsin Room with Dr. Miles O. Price, Librarian, Columbia University Law Library, presiding.

CHAIRMAN MILES O. PRICE: The very fact that at two successive annual American Association of Law Libraries conferences, panels or certifications on establishing different grades of membership could be held at all demonstrated a giant step forward by our Association. For any real attempt, even to discuss professional standards for our membership, let alone to inaugurate a program which might lead to setting them up, has been for many years a fighting matter with us. Within the memory of most of you, calmer souls had to step in between two disputants at one of our annual meetings, to prevent the commission of mayhem. So this panel discussion today is some evidence of maturity on our part.

Although the title of this panel is *"Certification and Education of Law Librarians,* Part II," indicating a continuation of last year's session on the same topic, the education part of it will be confined to Dean Dalton's paper on the probable impact of a certification system on library school curricula—how to enable our members to qualify for the library school part of certification. This, because Harry Bitner's panel tomorrow on *Qualitative Standards for Law Librarians* will cover recommended or required educational requirements.

Last year in New York the panel discussed at length the Medical Libraries Association certification and the Special Libraries Association graded membership programs. In order to place today's discussion in its proper setting, I shall note briefly the divergent approaches of the MLA and the SLA, and the recommendations of our AALL Policy Committee subcommittee on Certification and Membership Standards in its report thereon.

The question arises at once, as to why we should have either certification or restrict our membership in any way by setting up grades of membership with definite and rather strict eligibility requirements, since we have

gotten along so well for 53 years without them.

The reasons are very practical. We claim, and rightly so, I believe, to be a profession. One of the principal stigmata of a recognized profession is the establishment of standards—standards of service—and for a membership which shall be qualified to render and maintain satisfactory service. The lawyers, after a hard struggle, have done it; the medical profession and the various kinds of engineers likewise. The results have been to improve the quality of professional education and competence in these fields, of service standards and the prestige of the professions in the eyes of the community; and—important, though perhaps it should not be mentioned—better financial rewards.

One of the plaints of the librarian is that the layman does not understand him and his functions, and that employers hire unqualified librarians. Mr. Sass, the SLA representative on last year's panel, asks what else we can expect, when any applicant for membership is accepted without question in full good standing, and we provide no guides or criteria by which our employers can measure our competence —or our need of competence.

Therefore, in the whole library profession there is growing awareness that we should measure up to our professional responsibilities by defining what a librarian is, and by so policing our organization that a prospective employer may rely upon our designations when hiring a librarian.

The Medical Library Association (an association the same age as our own), in 1949 set up a certification program, establishing five classes of certificates. I am not going to burden you with a description of this program, as you will find it set forth in last year's convention proceedings[1] and summarized this year in the report of the Policy Committee sub-committee of Elizabeth Finley and Helen Snook, already referred to. Library training was emphasized over medical (practically no medical librarians have the M.D. degree) particularly an uncompensated year's "interneship" in a good medical library—were means of promotion from one certification grade to another; while graduate work or professional degrees, corresponding roughly to our much-maligned requirement of "three degrees," led to the top grade. The interneship has not worked out and there was, through 1958, only one holder of the top rating, so that for most practical purposes so far the certification requirements have been college and library school degrees, including a course in medical librarianship corresponding to the summer courses in law librarianship now offered by several library schools.

The most important grade (which, however, will diminish gradually, as it was closed five years after the inauguration of the program) is the "Charter" certificate, to which any medical librarian with five years' experience in a medical or allied-subject library, or who would acquire it within the five-year period, was eligible.

An important point is that nobody has to be certified, as the whole program is purely voluntary, but

[1] 52 *Law Library Journal* 391.

40% of the new members are certified.

The SLA approach, because of its belief—expressed by Mr. Sass last year on this panel—that to be effective certification must have government backing through civil service—is through rigorous grading of membership according to the education and experience of the respective members. For all grades, library training is the primary requirement and subject specialization is subordinated. Since the SLA scheme has been in effect only three years, it is too early to determine its effectiveness.

Under each scheme certification or membership grading is entirely an association matter, though civil service backing of the MLA certification is an important factor in its acceptance and effect. Each scheme requires as a qualification for eligibility "professional" experience in a special library and sets up several criteria of professionalism. Each has a "grandfather clause," with a limit of eligibility thereunder of five years from the date of adoption of the scheme. It is also significant that the schemes of the respective associations were adopted after several years of committee effort and publicity, and by a vote of the membership itself. Neither association had anything forced on its membership or bought a pig in a poke. Our own association seems to be moving along the same road; how far it will go, of course, depends entirely upon our membership.

We have always had outstanding law librarians who do not fit into a hard and fast set of formal standards, and I hope we always will. A genius is a genius and not cognizable under rules. But that is no reason for not setting up recommended standards affecting the generality of law librarians.

This too-long introduction is intended to set the scene for our panelists. For the purposes of this discussion, it is assumed that the Association either has already adopted one scheme or the other, or is preparing a campaign of education of its members, preparatory to a vote on adoption. What we are trying to do today, accordingly, is to project ourselves into the future and to forecast what will probably be the impact of certification of law librarians by our Association upon those who employ us; and, important indeed, how our library schools will meet the challenge of certification requirements in their curricula.

We have a most distinguished panel, composed of Elizabeth Finley, Dean of law firm librarians and to be our next President-elect; Edwin M. Lane, Assistant Director of the Minnesota State Civil Service Department; Dean William B. Lockhart, of the University of Minnesota Law School; and Dean Jack Dalton, of the School of Library Service of Columbia University.

Miss Finley, our first speaker, will discuss the impact of certification upon our law firm libraries, this term to include also the legal department libraries of business firms. Nobody else is quite so well equipped to do that as Elizabeth, who is justly famous in her field, and who has done so much to establish standards of administration in it.

Miss Finley, our first speaker, is

shivering in her boots. She will discuss the impact of certification upon our law firm libraries, this term to include also the legal department of libraries and business firms. Nobody else is quite so well equipped to do that as Elizabeth, who is justly famous in her field, and who has done so much to establish standards of professionalism.

In addition to her background as a law firm librarian, she and Helen Snook, our next President, were the subcommittee of the AALL Committee to study the relative merits of certification of law librarians and of membership grades.

I have great pleasure, as you can well imagine, because I respect her so highly, and I know she will tell us what nobody else could do so well. Miss Elizabeth Finley.

Miss Elizabeth Finley: The question of certification or membership standards has been before us for many years. Our Policy Committee recommends the certification plan rather than the membership standards plan for a number of reasons. The reasons, I am sure, you all know by now, having diligently studied the Committee's report.

The present question is how will certification affect the firm and company librarian. The answer, of course, is "who knows?" They should have a salubrious effect—provided we can publicize our standards sufficiently. Dropped into the morass of our internal administration they would certainly have no effect at all.

In preparation for this paper I undertook a "survey" of private libraries. I sent out 92 questionnaires to the librarians of law firms and companies listed as members in the 1958 edition of "Law Libraries in the U. S. and Canada" plus all I could glean from the membership news section of the *Journal*. Although I made what I thought was a really touching appeal for cooperation the response was disappointing. Only 44 replied, one was returned undelivered, and 47 were not returned at all. Of the 44 who replied, 5 turned out not to be librarians—they were partners or attorneys who had general supervision over the library.

Of the 39 usable returns, two were unwilling to answer the question on 1959 salary. This leaves us with 37 complete returns, and so my "survey" had better be called a "sampling." From this sample one thing is clear as far as money goes: private employers are a bunch of rugged individualists. Salaries range from a low of $4200 to a high of $14,500. Both, incidentally in the "no degree" class, and both with over 15 years experience. I doubt if this sample proves much, but I have tabulated it for what it is worth.

Of those with 15 years or less experience, 4 have 3 degrees; 10 have A.B. and L.L.B. only; 10 have A.B. and M.L.S.; 1 has A.B. only; 7 have no degrees. Of those with over 15 years experience 2 have A.B. only, and 5 have no degrees. Nearly all have some courses short of a degree in either law, library science or liberal arts.

I hope the balance here—32 with less than 15 years experience and only 7 with more—indicates that firms and companies are becoming more library conscious. It may only indicate that firm librarians die young. Or perhaps

they marry the senior partner or go into the business of manufacturing bird calls. Anyway they disappear—at least from this sampling. Perhaps it only proves that the old-timers automatically discard questionnaires.

Less than 15 years experience

	Range	*Average*
A.B., LL.B., M.L.S. (4)	$7500 to 10,000	$8275
A.B., LL.B. or LL.B. only (10)	5160 to 9768	7265
A.B., M.L.S. (10)	4200 to 10,000	6630
A.B. only (1)	not reported	
No degrees (7)	4920 to 6900	5660

Over 15 years experience

	Range	*Average*
A.B. only (2)	$7845 to 8400	$8022
No degrees (5)	4200 to 14,500	8000

Monetarily speaking the averages rate three degrees first (8275) experience and A.B. degrees second (8022) experience and no degrees third (8000). A.B. and LL.B. or LL.B. only fourth (7265). A.B. and M.L.S. fifth (6630). Short experience and no degrees last (5660). The 15 years experience may be a rather arbitrary dividing line, for certainly the difference between 14 and 16 years experience is nominal. But 15 years is the "post war period" which has been used in previous discussions of this subject. Since the war, the trend has been towards more formal education for the job as has been the case in other fields of endeavor. Financially, however, the end result leaves education and experience very close together (8275 v. 8000). This is not to say that as the "educated" gain experience they will not outdistance those with experience only. But my guess is not by too much. There is a limit to what an employer will pay a librarian.

Nevertheless, formal education is becoming the yardstick of industry and the professions. Although we have all met people on whom degrees have left no visible signs of education, still, more often than not, formal education produces an educated person. What, then, of education for a librarian of a firm or company library?

The problem of education is a two-pronged fork. We must educate the librarian to be a *law* librarian, and we must educate the practising lawyer, (and many judges too), as to the function and value of the librarian. I say "we," because if an organization that calls itself the American Association of Law Libraries is not prepared to do the job who will take over? Not the A.B.A., not the library schools, not the law schools, not anyone else—we *must* do it, and in a more organized fashion than we have been attempting. There is no point in educating practitioners —and other small libraries—to the need of a librarian if we cannot offer a candidate. As we all know, a game of musical chairs gets under way any time a law librarian quits the job for one reason or another. This may be very convenient for those of us who have it made, but is it any way to advance our profession? Too many times, both while I was treasurer and after one of my occasional articles has appeared, have I had calls and letters, saying, in effect "you've convinced us —where do we get a qualified law librarian." And I have had to mumble around in my beard—the end result being steal one if you can—and I am sure they thought "this is a fine spokesman for law librarians."

I subscribe to the revolutionary

theory that a firm librarian is primarily a librarian, not a lawyer. This, I gather from studying some of the remarks made by our members in the last ten years, is pretty radical. I refer particularly to the workshop held in Chicago in 1953 where Dean Asheim suggested a combination of library and law school education for librarians. He was snowed under by objections from the almost completely law school panel, who grudgingly admitted that a librarian is a librarian, and then added a hasty "but"—you must be a lawyer too. I do not deny that a law school librarian—for one reason or another—needs a law degree. I do not deny that a law degree is an asset to any law librarian. In fact, as a firm librarian, I have frequently felt the need for a degree in economics, mathematics, physics, pharmacy, English literature, and what have you. The more formal education you have the better off you are.

I *do* deny, however, that a law degree is a necessity, or that a law degree automatically makes one a qualified law librarian. Too many lawyers have asked me too many obvious questions for me to believe that a lawyer and a law librarian are synonymous. The two are separate, though allied professions. It is the lawyer's job to say what the law means; to try to persuade the court that his interpretation is the correct one; to advise his client on how the law affects his problems, and so on. It is the librarian's job to have the necessary legal materials available and organized, and to advise the lawyer in their use.

It is obvious that a law librarian must have some knowledge of legal materials and how to use them. Since the law schools concentrate, and properly so, on teaching the *meaning* of the law, how is a librarian who wishes to go into the law field to learn his profession? *That* is the 64,000-dollar question. Undoubtedly it is true that there is no substitute for intelligence plus experience. We will have to assume the intelligence is there; but how does one start out with experience? One doesn't, and there's the rub. Experience is a great teacher—and I think all of us will admit that the longer we work at the job the more we learn, but how do we get it? Of course one can serve an apprenticeship in a large law library—which amounts to making our large libraries the training ground for law librarians. This is a form of passing on the torch which I hope will never cease, but it is not an answer to "how do I get to be a law librarian." One can study some of the excellent legal bibliographies, and there are a few courses available—if one can take the necessary time and has the needed funds to journey to them and support oneself. But why shouldn't law be included in the special subject fields in library schools? Columbia School of Library Science, for instance, lists courses in "medical literature," "musical literature and librarianship," "business and economic literature," "theological literature and librarianship," in their 1960-61 catalog. Why not "legal literature and librarianship"? Probably because we, the American Association of Law Libraries, have not been sufficiently vocal. We must try to interest library school students in the law field in the same manner that other special

library fields are interesting students.

To turn to the other prong of the education fork—the practitioner. *Most* lawyers do not understand what a librarian is—they think of the librarian as a high-grade file clerk. Or as a nice quiet spot for someone whose health is not too rugged. I know our own placement chairman says that prospective employers are specifying "lawyer" when they start looking for a librarian, but this is just another indication that they do not know the difference between the lawyer's and librarian's job. They *have* fifty or more lawyers in the office already, not one of whom is a librarian. Those who do have librarians with law degrees may pay a slightly better salary, but by no means the salary they pay to the lawyer associates with the same length of service. If the lawyer-librarian protests, he is offered one of the drudgery legal jobs, and "someone" is hired to look after the library.

An interesting and quite frank statement of this situation came out of the two-day forum on Professional Economics held by the Practicing Law Institute in New York in December 1958. Representatives of about twenty-five law firms—mostly New York—were the panelists. There was one session on law office management where the "lay managers" of two firms appeared and generally discussed their work. Most of the time was taken up with the secretarial-stenographic problem. In talking about the ratio of non-legal people to lawyers, it was explained that aside from secretaries, stenographers and typists, non-professional includes "pages, messengers, law clerks, mail clerks, *librarians,* photostaters, file clerks, transportation clerks, etc." This is quoted from notes that were taken at the meeting, and I cannot vouch for the order in which they were mentioned originally, but it looks as if we at least out-rank photostaters, file clerks, and transportation clerks! Yes, the practicing lawyer needs to be educated to the fact that librarianship is a profession. We had all better put our collective shoulder to the wheel by making sure we *are* doing a professional job, and by impressing our proper status on the legal profession.

A system of certification of law librarians should be a step in this direction. If the lawyer who is looking for a librarian knows that there is such a thing as a certified law librarian, he may think twice before he offers the job to his recently widowed sister-in-law because she needs a job and is a cultured, quiet lady who loves books. If he *has* a librarian, and we manage to make enough noise about certified law librarians, he would certainly be satisfied with none but the best.

Certification, of course, cannot make a Bob Roalfe, a Helen Newman or a Miles Price out of every law librarian any more than a law degree can make a Justice Brandeis out of every lawyer. The attributes which lead to greatness are too nebulous to be tagged by a certificate. All we can say is "we consider this person to be a qualified law librarian." This much, as the spokesmen for the profession, we should certainly be willing to undertake.

CHAIRMAN PRICE: Thank you, Elizabeth.

Now, Mr. Sass on our last year's panel stated it as his belief that certification schemes were likely to suc-

ceed only to the degree that they had Civil Service backing. The history of the Medical Library Association scheme has proved that such backing is, indeed, very important whether it is necessary or not. While we in the law library field do not have everything like the proportion of our members under Civil Service that the MLA has, we do have a large number in Government libraries of various kinds. We are fortunate to have Mr. Edwin Lane, Assistant Director of the Minnesota State Civil Service Department, who will talk to us today on what he thinks would be the impact of certification on Civil Service law librarians.

MR. EDWIN LANE: From the outset I should point out that I am not an expert on law libraries. Also, I am not an expert on the question of professional registration. In fact, if you were to really pin me down, I should have to admit that I am really not much of an expert on anything.

I have spent fifteen years in public personnel at the state level. I have come into contact with the subject-matter as it relates to examination and placement, as it relates to job classification, and pay rates; and more generally, as it affects the level of performance in state employment. I am aware of the legal problems involved. I have recollections of legislative actions and inactions on registration requests and I have memories of problem areas encountered. I also have definite opinions which are not necessarily shared by the agency for which I work.

In this capacity I have been asked to talk to you. It is my understanding that it is my assignment to talk to you and yours to listen to me, and if any of you finish before I do, I hope that you will please raise your hand.

It's always well to look in the dictionary to tie down a definition. I consulted the Webster's Unabridged and found certification defined as, "The art of certifying or the state of being certified." With all due respect to Mr. Webster, this isn't much help in the context of our discussion.

What we are talking about is the attesting to by a designated entity that pre-established criteria of academic preparation and/or pertinent employment experience and/or directed internship are met by persons holding themselves forth as practitioners in a particular profession, art, skill or trade. This implies that we must (1) identify the particular occupation; (2) become agreed upon a criteria of preparation; (3) have created a commission or reviewing board qualified to pass on the preparation of candidates; and (4) have established a policing power able to enforce the regulations governing the application and judgment of these candidates.

The reasons generally advanced for registration of a particular discipline include (1) the development and maintenance of standards of performance; (2) the protection of the general public welfare; (3) the enforcement of safety provisions; (4) the restriction of competition in a particular field; and (5) assistance in curriculum guidance in institutions of learning. Lastly, there is a small unworthy suspicion on the part of salary administrators that registration or certification provisions are enacted with the hope that the salary for the particular discipline

will be increased as a result of this new prestige they have attained.

Some of the dangers of the establishment of exaggerated standards will be mentioned later, but for the present time it is sufficient to say that this particular area is probably the most difficult one for us to understand in the matter of professional registration. There have been times when the standards established were without doubt desirable standards, and ones which would ensure the highest performance in a particular type of work. However, they were standards that in practice could not be met by a substantial number of persons qualified to work in a particular field. In some instances, they were standards which were impossible of attainment in the geographical area in which the persons were normally employed. How does registration help in maintaining the public welfare? The most obvious example, of course, is that a doctor of medicine must be licensed before he can practice medicine in a particular jurisdiction. I think it is obvious that if you or I were to hold ourselves forth as doctors of medicine and were to diagnose and treat people who would subsequently die, this would be a violation of the public welfare. I think if you and I were to hold ourselves forth as registered engineers and to design a bridge across a deep ravine and the bridge were to promptly disintegrate as the first car passed over, this would be in violation of the public welfare. There are gradations then from what is perfectly obvious to that which is more problematical. As in anything else, it is in the grey area where subjective judgment must decide whether a particular type of employment affects the public welfare sufficiently to demand that its practitioners be licensed by the state. In the area of safety, there are numerous examples of course. One would be the power engineer in the hotel where we are presently meeting. If the hotel were to engage individuals who were not qualified to operate power machinery, and the power plant were to explode, I think it quite obvious again that the safety of the general citizen would be seriously involved. If I were to wire your house for electricity, I can assure you that it would be only the wildest happenstance that your home didn't burn down the first time you turned on one of your appliances. Here again is an example of registration or licensing where safety is involved.

In the past there have been instances where registration has been used to restrict entrance of individuals into a particular type of employment. This has ranged anywhere from the trades such as bricklaying to professional engineers and, I expect, on through other fields at a fairly substantial level. Most of this type of legislation was enacted during the depression period when professional people were finding it extremely difficult to utilize the skills for which they had prepared themselves over a long time. It was only understandable, I suppose, that they would raise the standards of entrance inasmuch as there was a generous over-supply of persons with training or experience in that particular area of work.

In the matter of curriculum guidance, registration and with it its estab-

lishment of criterion of academic preparation, inevitably has an effect on the curriculum of the institutions of higher learning in the area in which registration is involved. Educators have too frequently followed the profession rather than leading it in the matter of establishment of course material or entire course sequences of academic work. Registration boards have done excellent work in pushing for curriculum revision that would enable the individuals to meet what they consider to be desirable standards.

I have not been able to find any studies made on a national basis of the extent to which registration or certification of various types of occupations exist. I am not particularly distressed at the lack of information in this form since I have little sympathy for the tabulation of past mistakes or questionable practices as an indication of the wisdom of doing something. I think the word "research" has been debased in too many instances by individuals who have slavishly recorded practices carried on by a large number of jurisdictions, hoping by some alchemy of statistical maneuvering that the average, or medium or some sort of central tendency will produce the criterion of excellence. I would rather develop from a strong base of logic a good way to do something rather than to adopt the practice of "what are they doing in Wisconsin, or New York, or California." It's possible that they may be doing good things in all of these places. It is also possible that in the area being served, practices are not particularly outstanding. From time to time, I have talked to people in other personnel agencies around the country about this problem of certification, and I have a general feeling from these conversations that there has been no definite, long-range planning on the subject, but rather that registration provisions have grown pretty much like Topsy. Provisions have been enacted following a reform movement or a drive for professional development in a certain field, or through the intensive lobbying activities of a particularly strong professional or trade organization. I would have to confess that I see no evidence of planning in the development of these provisions in the state of Minnesota either.

I suspect everybody likes some statistics, so I shall violate my own feelings about tabulations by giving you a couple of the figures from our own operations. The classified service of Minnesota, that is, the service covered by civil service laws and regulations, includes upward of 15,000 positions. These positions are determined by the process of job classification and analysis grouped into some 850 classes or types of work. Of these 850 classes, there are at the present time 126 classes of work, which require certification, licenses or registration of some sort, enforced by a statutory reference. By the simple process of third grade arithmetic, this means that approximately 15 per cent of the classes of work in the state government are covered statutorily by some sort of provision for registration or licensing or certification.

Very broadly grouped into the three categories, the greater majority of them have to do either (1) with the enforcement of safety standards; (2)

with enforcement of health and sanitation requirements—and in health I include the medical and hospital types of jobs—and (3) with the maintenance of standards of preparation for a particular discipline. Fifty-seven, or the greater number, are concerned with health and sanitation; forty-two are concerned with the enforcement of safety standards; and twenty-one, the smallest group, are concerned with the maintenance of standards per se.

From this group of uninspiring figures, we can at least say that a fairly substantial number of the classes, that is, fifteen per cent, require some sort of policing by the state and of those the greater number have to do with health and sanitation. I think this is understandable, and that there is more popular support, I expect, for thinking that some sort of control of practitioners in fields, involving the general health and medical treatment of persons, is to be expected. I think likewise that it is easy to see where support can be generated for specific requirements for those engaged in the safety of the general population. Lastly, I think also, it is not too unusual to find that only twenty-one of these standards of preparation are for a particular profession. Now, if I were a bookmaker, I could probably quote you odds on the chances that it would be possible to enact certification requirements for any particular type of work. Maybe someone will do a predictive study on this sometime. The important thing to remember is that very little overall planning is evident in the establishment of registration or certification requirements. Mostly these provisions are brought about by one of the three factors mentioned above.

What has been the attitude of legislators toward the request for certification or registration provisions from the various groups of employment? In the first place, there are a lot of legislators, and in the second place, over a period of years, the individuals come and go, so it's impossible to answer this question very precisely. However, from my past experiences I have a general feeling that legislators usually do not react too strongly or with great fervor to these requests. They know from experience that for every proponent of a registration statute there will be at least two or three opponents perhaps more vociferous than those who are pushing the particular bill. They know there are people who are operating in a particular field of work who will not be able to meet the standards set forth by the registration bill. At this point, the grandfather clause usually comes in. For those of you who are not familiar with the jargon in this field, the grandfather clause is a provision which usually blankets into registration persons who have been practicing or working in the type of occupation for a stated number of years, even though they may not meet the established academic or experience criteria. I would say it is always much easier to beat such a bill than it is to get it enacted. If there is strong popular support because of some mispractices in the field, then the bill has a very good chance of passing. I categorize this as the reform factor. If there is a particularly strong professional group lobbying for the

bill with persons of evident prestige ready and able to work for it, the chances again are pretty good at passage. If it is a matter of one particular discipline attempting to lift itself by the device of registration, the chances are not particularly optimistic. Off hand, I can remember attempts by four groups to secure registration during the past six or seven years. Of these four groups, one attained its objective. The other three, although they introduced their legislation on more than one occasion, have not been successful. One of the techniques used by groups seeking to pass registration legislation is to propose a "weak bill." By this, I mean a bill with very modest requirements for certification plus a grandfather clause and not too stringent enforcement provisions. The hope here is that in succeeding sessions by revision the law can be strengthened and the end result would be a statute that probably would not be possible to pass in the first place.

In answer to the question, is the establishment of registration legal and can it be enforced, the answer of course is, if the bill is enacted into law, of course it is legal, and of course it can be enforced to the extent the statute provides for enforcement.

From the standpoint of a public personnel agency, there are reasons which would favor the establishment of certification for various categories of work. The first would be the fact that it simplifies the examining load for the personnel agency. If the certification provides for a screening examination or requires the possession of certain academic preparation and experience, the agency may, in some cases, be able to waive the examination process, as far as the written part is concerned, and adopt the agency registration as criterion of having the equivalent of an examination passing score. Examples of this are the graduate nurse where the department accepts the passing grade of the nurses registration examination. In the case of medical doctors, the passage of basic science examinations makes it possible to waive any written examination in this area. In some cases where our experience would tell us that the screening examination for registration is a particularly weak one, we would not, of course, be able to do this. The second advantage of registration is that it enforces standards and it ensures that there will be no hedging by appointing authorities. If the law says that a person must have a bachelor's degree or a master's degree from a certain specialty and must have had X number of years experience of a certain type within a certain program, then there is no hedging on these qualifications. They must be completely met. Thirdly, registration usually adds prestige to a particular field. How much this is worth tangibly, I don't know, but I am sure that it has its effect psychologically. When a person is a certified public accountant or a registered nurse or a certified physical therapist or a boarded psychiatrist, these things do add prestige to the particular field and I expect public respect for them as well.

The first reason that a public personnel agency might be not in favor of registration is that it certainly restricts the recruiting area. The fact that registration is required, and in

some instances the criteria for it are rather narrow and stringent, means that the recruiting area becomes extremely narrow, often more so than the requirements of the job indicate. Often these requirements are not optimum standards but are high-in-the-sky, dreamy-eyed, idealistic standards which are not easy to meet. Secondly, they discourage non-academic advancement. Persons who have been technicians and have worked their way up from the bottom as they say, find a deadend situation where registration blocks their promotion from the so-called sub-professional into the professional level. In many instances, persons long on the job of a high degree of intelligence, can successfully bridge this gap. However, with the registration requirement intervening, it becomes then the source of irritation when they are blocked from further advancement by so-called arbitrary standards set up by smart college people. It also somewhat limits management prerogatives in that the criterion for promotion are pretty well laid out by some agency other than the management themselves. Lastly, it usually shakes up the so-called old pros in the field who for some reason or other have not attained the academic work required. Even though the compromise of the grandfather clause is often thrown in, they become automatically defensive and oppose the legislation on the general basis for survival.

Although this may sound paradoxical in view of the difficulties mentioned above in the matter of securing legislation for certification or registration provisions, I have the feeling that this approach is an effort to find the easy way to secure solidity and prestige for a particular occupation.

It is my firm conviction that a better and more lasting approach and one which permits of more flexibility and less chance of arbitrary decisions on borderline cases would be a more comprehensive program open to development without legislative action which would encompass the following things:

(1) An educational program with the central personnel agency to bring to their attention qualifications which should be incorporated into the agencies' job specifications. This would envisage professional registration by the group's own guiding body. While there may be some give and take on this, as is true wherever two approaches come together, it is generally the case that these matters can be amicably decided. With the help of the personnel agency, standards can be established and incorporated into the specifications, which, while they will maintain the optimum standards required for efficient performance of a particular occupation, will not be so inflexible as to restrict unnecessarily the areas of recruiting nor will they be so precise that cases of individuals with vast and rich training and high degrees of intelligence cannot be considered for advancement in a particular field. The incorporation of the standards into the agency's class specification have as much force and effect as they would have if they were incorporated into the statutes.

(2) A cooperative project with the colleges and universities in the area to develop curriculum to permit more

solid and fundamental training in the particular discipline.

(3) The activation of professional local chapters to give the membership an opportunity to comment and become aware of and foster programs aimed at increasing the prestige of a particular profession.

(4) Development of training programs within working law libraries to promote the more sophisticated professional techniques and procedures. Prestige attained by a device of registration is a rather shallow prestige and certainly not as fundamental and sound as prestige gained through public acceptance through recognition of the value of professional standards in an area of work.

I would be more inclined to favor this type of approach as a method of enhancing the general recognition of a field of work rather than placing a tremendous amount of pressure and time and strength into securing a registration law. The law in itself will not produce these desired results. The fundamental work will still have to be done in order to gain the objectives which we have talked about.

However, if an organization is bound and determined that it will go along the path of securing such a legislative enactment, I would advise: (1) that they be most extremely careful in setting the standards which they are striving for as the requirements for entrance into the field; (2) that they be most careful in communicating to personnel already practicing in the field the effects of the legislation which is being planned, the effects, that is, on the particular job of each individual as well as his prospects of advancing in this profession; (3) that they consider a grandfather clause in order that the whole thing not be scuttled by the sub-professional organization which will be able to carry the proposals through the legislative processes, one not alone composed of prestigeous persons but one adept in the matter of maneuvering legislation through committee hearings; (5) quite facetiously it would be quite wise to have as a sponsor of the bill somebody's uncle; and last but not least, that they would not be discouraged if the bill was not enacted in its initial introduction.

I probably haven't told you anything that you want to hear and may well have told you things that you do not want to hear. I think, however, I have been fair in mirroring what would probably be the response of most public personnel agencies when confronted with this question.

Dean Lockhart, we will listen with baited breath for your remarks.

DEAN WILLIAM B. LOCKHART: Miles, I hope you don't hold your breath until you hear something significant. The fact I went through the ordeal of trying to replace Leon, which is impossible, doesn't mean that I know anything about certification.

Miles asked me to comment on two questions, and I have his correspondence to prove that if he challenges my definition of my responsibility here.

First, if a certification program were established, would certification or lack of it influence me in the selection of a law librarian for a law school library?

I might say just before I give you

the second question, that both question and the comments that Miles made in introducing me indicates that perhaps at Columbia faculty selection operates differently than it does in Minnesota. It is not the law school dean who does the selection. It is the faculty. The law school dean has something to say about it, and I suppose if he didn't agree with the faculty, the appointment wouldn't be made, but the real question, it seems to me, is not whether a law school dean could, but what would a law school do or how would certification influence the law school in selection which is certainly a faculty appointment, and therefore most certainly a responsibility for the whole faculty.

The second question, what factors or qualifications should be stressed as criteria in certification? Now whether I as dean or my faculty as a selecting group would be influenced or aided by certification in selecting a law librarian depends upon what certification signifies. It really depends on the last question, as Miles, of course, understood, so that I think I should address myself first to the second question. Miles made one assumption. He assumes that there is certification. Let us assume the other. Assuming law school deans and law faculties would give some weight to certification, what should certification signify? Reverse it. What kind of certification would affect a choice by a law school of a law librarian?

This raises two other questions around which I will organize my comments on this first one. What are the factors of importance to a law school in the selection of a law librarian, and which of these factors can be successfully made the subject of certification, so that a law faculty would place some weight on that certification.

You have discussed in this group the factors that are important in the selection of a law librarian. I don't intend to go into details on this, but these break down into two categories, it seems to me. You have your objective factors and the subjective ones, and I think the objective ones do lend themselves well to certification. I have my doubts about the subjective ones.

In the objective ones, it seems to me, basically there are two.

The educational background. Does this individual have the formal training that ought ordinarily to make for a competent law librarian, particularly for a law school library? Of course, this is very readily handled by a certification process. It seems to me that your Association is the best qualified to appraise what are the important educational qualifications, and what are the library schools that should satisfy the specialized training requirements on top of your college degree and your law school degree, if any.

So far as the law school library is concerned and the law librarian, there is not much doubt about that in my mind because here he becomes a part of the law faculty. He or she becomes a part of that faculty.

Now this does require, it seems to me, some appraising. Particularly the specialized library training does require some subjective judgment upon the part of the Association. Certainly your Association is in a far better position to judge what programs in the

various schools do qualify for the kind of specialized library training that will qualify a person to serve as a competent librarian.

Then you go to the experience background as the other factor. Does this individual have the kind of experience in law library work that should qualify him for law libraries in various categories and responsibilities perhaps of various kinds in these libraries?

It appears to me your Association is in a position to develop various significant categories of experience in library and law library work and to arrive at sound judgments as to the type and length of experience that should normally be expected to qualify a librarian to move into higher and more demanding kinds of responsibilities. This requires more than one certificate if you are going to seek to accomplish this, of course. This would require various degrees of certification.

This kind of certification would not certify that the individual has learned what he should learn in the experience that he has had which involves a personal subjective judgment, but this kind of experience suggests that he has had the kind of experience that should qualify him for additional responsibilities of a specific kind.

It seems to me that this body should have enough vision, vision and imagination to work out gradations of experience in relation to gradations of new challenges or responsibilities so as to provide helpful experience to those who are inexperienced and still have the responsibility for making the selection of law librarians.

Of course, neither you nor the employing institution would look upon a series of experiences as mandatory steps for the appointment to a higher responsibility. We all know the exceptional cases, but nevertheless the judgment of a group such as this as to the normal and desirable sequence of experience before one moves to a higher responsibility would be useful. I think the certification process is a good way to emphasize the importance of this experience.

I would suppose when dealing with experience you would be concerned not only with the kind of library and the size of the library, but the type of assignment within the library, and if your certification could mean all of this, it would be helpful.

Now those two factors, the educational background, and the experience background, it seems to me, would be very readily usable or indicated through a certification process.

I have serious doubt about the desirability or the value of your Association attempting to move into certification of subjective qualifications of individuals.

I don't know whether Miles was kidding or not when he suggested in his letter about personality. I think he was. There is no doubt about the very great importance of the subjective qualifications that must be given great weight in the selection of a law librarian. Personality is very important, of course. How does he work with people? The staff, faculty and so forth, and his competency as a librarian. How does he handle his responsibilities? Does he have good judgment? Is he a good buyer? Or does he give in too easily? These are important, of course, but I don't see how the Asso-

ciation dares start making judgment of this kind without getting into endless trouble, nor do I think it likely that you would be willing to want to enter into a certification program that involved subjective judgments of this type dealing with individuals.

These subjective judgments, it seems to me, have to be made by the employing institution on the basis of information obtained by interviews with those who know the individuals who are being employed. That is the kind of certification that it seems to me—and I am getting out of the second question—should be an influence. It certainly would, I think, to me in the selection of law librarians for law schools.

I think if that kind of certification process were established, gotten under way, I think a law school would hesitate sometimes before employing as a law librarian an individual who could not be certified for the kind of job opening available because he or she lacks the educational or experience qualifications that are considered desirable, if not necessary, by this Association when other qualified librarians are available.

Now those who doubt the value of certification will answer me with the following question: It is basically the kind of question Jack Ritchie asked last year or the year before. If certification means only that the certificate holder has met certain educational and experience backgrounds or qualifications, what does certification add to the formal record of the applicant, which is already available to the employing institution anyway? Won't the employing institution look over the formal record anyway, and can it not appraise the record with care and make the same kind of a judgment?

I think there are two answers to this. First, the certification process emphasizes the significance of certain educational and certain experience backgrounds as deemed necessary to qualify a librarian for certain responsibilities as indicated by the certificate. This process places back of certification the composite professional judgment of a group of experts that this kind or this much education, experience, is needed normally to qualify a librarian for this kind of job.

You have to remember that most employing institutions do not hire a law librarian very often. I am speaking now of the top librarian and the first assistant. Most deans, I think, go through the experience only once. I hope I will never have to go through it once again.

Neither the faculty nor the dean really know very much about the qualification of a law librarian. They know what they want in the law librarian so far as his position as a law faculty member may be concerned, but they don't know very much about what goes into making up a good law librarian. They start from scratch in beginning to think about this. They have never thought about it before. They have had a good librarian for 15 or 20 years, and now they are suddenly faced with the problem of replacing him.

I think a good system of certification emphasizes the important objective qualifications and certifies that here are a group of people who meet these qualifications.

Now this same value could be achieved, we all feel the certifying process could be accomplished by a careful spelling out standards—standards of education, standards of experience, that this Association considers important for various kinds of responsibilities, and then leave to the employing institution the attempt to apply those standards to the particular individuals who may be under consideration. But I think the appraisal of that record by the Association, applying the record to the standards that the Association has set up, is likely to be welcomed by most employing institutions which really brings to the second answer of this question posed by Jack Ritchie.

I think the certifying procedure is superior to simply spelling out the standards because most employing institutions are not likely to be in a position to judge as well as your Association can judge either the quality of the specialized library training or the significance of the experience appearing in the formal record.

It appears to me when we get to experience that I don't know much about this, but the value of experience, it seems to me, needs to really depend upon the size of the library, the kind of a library, the quality of the library it is, the kind of experience or assignment that the individual has had in that library, and if I were to look at the formal record I couldn't make anything out of this. It wouldn't help me a great deal. I don't feel qualified to base a composite judgment on all those factors.

I think the wise statesmen in your Association are qualified to make that kind of a judgment, and I would give substantial weight to a certified procedure that I am convinced really did a careful job of appraising these experience factors and would then come up with a certification that this individual is qualified for this kind of work.

We would still have plenty to do in appraising the subjective factors without having to worry about these others. So my conclusion is that I believe a good many institutions would give weight to a carefully planned program of certification by your Association, and I would welcome it although I would hope I never had to use it.

Thank you.

CHAIRMAN PRICE: Dean Lockhart, that was a wonderful paper. I can certify myself that from long experience in placement work with deans of law schools that they are willing, if they have confidence in the person who is expressing an opinion of somebody they are considering for a job, they give that a lot of weight. On the other hand, I think it is too much responsibility to place on one man, and that one man (a) ought to have guides, and (b) he ought to have a check on him, and I believe that certification is one of the means for providing that.

Now we come to this. Say we have sort of set up the standards with the grandfather clause to reach these higher and different altitudes that Dean Lockhart has talked about. We know very well that not everybody is qualified or needs to be qualified to step into Earl Borgeson's shoes any more than every law librarian has to be qualified to step into Forrest Drum-

mond's shoes. There are all sorts of libraries, paying all sorts of salaries, and in order to be realistic about it, we have to grade, I think, the requirements for certification, and that is what the Certification Committee report attempts to do and what the MLA attempts to do—to set standards not for the top librarian of Harvard University or even the cataloging department of Harvard University, but all the way down. Something that is meaningful for the people that are going to employ librarians. After all, this is just for our own edification.

Now we are coming to the real question of how we are going to establish these things, how we are going to prepare these grandfather clause librarians, and others coming anew into the profession. How are we going to qualify them to meet lower grades and the higher grades and so forth?

A vital part of either program is the means for attaining these standards by those not already possessing them. Experience gained under proper supervision on a law library staff is an important factor in any program, but of itself it is insufficient. The man who spent 30 years tightening up number twenty on the Ford assembly line isn't much more valuable than he was when he started in. It has got to be the right kind of experience and kind of supervision.

Formal education in the techniques of law librarianship is also necessary for professional standards, but the curricula of our library schools, with the notable exception of that of the University of Washington, have not sufficiently filled the gap between the general library school course and the subject specialization required in law libraries.

I know from conversations with our next speaker, Dean Jack Dalton, of the School of Library Service of Columbia University, that he is deeply interested in this problem, that he realizes the library schools' responsibility. Just what the library schools can or should do has long been a topic of serious consideration by their faculties.

A most ambitious program was outlined by Dean Asheim as Elizabeth has told you, of the University of Chicago Graduate School of Librarianship, but it was so sharply attacked by the other speakers on the panel (myself included) that it never was put into effect.

Our belief was that although the proposed curriculum would turn out a well-equipped law librarian, it did not lead to any degree recognized in law school work—even though it took nearly as long to complete as the courses leading to the three degrees; and therefore, did not provide its graduates with a real marketable law library education.

My own feeling is that the three-point courses in law librarianship now offered at several library schools are, while very useful, insufficient; that at least 40 per cent of the Masters' courses should be law-library slanted. I feel very strongly, too, that the graduate school type of admission standards now in vogue in library schools should be liberalized so as to admit some non-matriculated students who lack the Bachelor of Science and are not candidates for library school.

Dean Dalton will now particularize

some of what he gave us so well at the luncheon.

DEAN JACK DALTON: I am not unmindful of the fact that at 5 o'clock you are supposed to be taking a bus, and that at 4:30 this panel is to come to an end. It is now 4:08. If you will bear with me until 4:20, I promise to leave 10 minutes for questions.

Miles was good enough to let me see the introductory portion he had prepared for this panel, and since the sordid word money came up there and has come up once or twice since, I could not resist bringing along for your edification Crawford H. Greenewalt's recent book, *The Uncommon Man*. If any of you don't know *The Uncommon Man*, a little book which has to do with the individual in the organization, I commend it to you most highly. Crawford H. Greenewalt, President of the DuPont Company, says,

> "It has always seemed to me that shamefaced attitudes about money are uncalled for. I see nothing unworthy in the financial motive, nor do I see anything vulgar in its free exercise. I doubt, in fact, that anyone has ever devised a cleaner or more honest basis for rewarding high performance."

I thought you would want to know. [Laughter]

I would like to say at the outset, in reply to Mr. Breuer's comment, that I share with him completely and absolutely the feeling that there should be easy and ready transfer from level to level and kind to kind of librarianship, and if I said anything at all at lunch that made you suppose otherwise, I spoke too rapidly and carelessly. I don't need to remind you that during Sir William Osler's Oxford days, he proposed that there be established at Oxford a college of library science. If Sir William Osler had established such a college, had headed it and given it a medical slant, I am quite sure its graduates would have been as acceptable as general or law librarians as to the medical libraries which were his real love. A first-rate medical education might be an appropriate base for the study of librarianship. As I have moved through Latin America in recent years I have been struck by the fact that there the medical degree seems to take the place in their educational system that the law degree holds here. Many people who are not planning to practice law attend our law schools; people who are not planning to practice medicine but who want the best kind of university education available there seem to attend their medical schools in large numbers. At the University of Mexico, for example, the Dean of the Medical School told me not too long ago that he had 6,000 students in his department. I myself should prefer legal to medical training if I were taking either without planning to practice. In fact, if I were planning my own educational program again from the beginning I should want to add to the best liberal arts education I could afford the best legal education I could find because I don't know of any combination that seems so well designed to prepare a man to cope with the difficult art of reading well and I don't know of anything that is equal in importance to a librarian.

Now to come to the topic Miles assigned to me. I wound up what I had to say at lunch by talking about levels of training. I would like to return to that. Julius Marke in reporting to this organization three or four years ago reported that the Joint Committee on Library Education in the field of education of librarianship had made a deep impression on the library profession because of its study of education for special librarianship, including all special librarians. And then he went on to point out one library school, and that happened to be the Columbia Library School, had invited the joint committee to come and sit with it to consult on the new curriculum then being projected for that school. He reported to you that he thought Columbia was taking a considerable step ahead. I would like to state why I think he thought so.

Miles Price, in concluding his introduction, suggested that his own feeling is that the three-point courses in law librarianship now offered at several library schools are, while very useful, insufficient; he thinks at least 40 per cent of the Masters' courses should be law-library slanted.

We agree so completely at the one library school I can speak of authoritatively that we provide for the possibility of five courses out of twelve for the Masters' degree in a special field. A little rapid mathematics will tell you we are doing a little better than Miles suggested. Of course, we don't have a library school faculty that can provide in each one of these areas the kind of program that you would like. I wish we did. I hope that as time goes on we will be able to work out in this particular area a satisfactory program to meet the needs of the profession.

I think it extremely important, however, before we start working on such a program that we be perfectly clear what we are talking about. Miles says he would like to see individuals who haven't formal academic status admitted to classes within the library school. He added,

> "I feel that if we go into certification, we should provide them, somehow, with the library school formal training to qualify them."

I agree. The only question is, for what? There aren't many library schools that can afford to operate at several levels. Let me remind you that there are in this country and Canada today thirty-two accredited library schools that offer work at the Master's levels, a half dozen now offering work at the Ph.D. levels, and several hundred schools which give library courses at the undergraduate level. This would suggest that once this group has made up its mind what is appropriate at what level, it ought not to be difficult to find a training agency.

It would be extremely difficult for us at Columbia, since we are committed to a graduate program, to start off with what you and I might agree were appropriate undergraduate courses. However, it is quite possible today under our own operating rules for the exceptional librarian to come and take courses. These special students will always be with us, I hope. Let me repeat, these are exceptions, and I don't anticipate any change in our

rules which will set up undergraduate library school programs for people who don't bring the formal qualifications for entrance. In our school of general studies we offer more than one course at the undergraduate level designed to meet the needs of people in the area who don't have the formal qualifications for higher programs.

So I come back again to our willingness and our ability today to mesh gears with you on programs that seem suitable to you, and an invitation that we get together and decide what is needed, what is useful, and at what level.

Let me say one more word about the kinds of things that we, and I think any library school, can provide today in the form of workshops, institutes and seminars. At Columbia since school closed in early June we have had one of each. We had eighty trustees of public libraries from all over the country, and what we attempted to provide them was a seminar that went beyond any work that our most advanced graduate students in the school could have, should have, or would have expected to take. These people were there to consider the theory of trustee relationship. This is the kind of program that can be offered any time, I take it, by almost any library school.

When I left New York yesterday, a group of people were beginning at the school an institute on patents for people concerned with information services in science and industry. The assistant commissioner of patents was there to open the institute. It seems to me that this points a possible direction. If I am wrong, then you have an extra minute to quiz me on that during the question period.

CHAIRMAN PRICE: I talked this over quite often with Dean Dalton, and I know very well that any time the Association makes up its mind what it wants, it will find him and other library schools, I have no doubt, willing to listen.

Now a week or two ago we had a meeting of our local association in New York at which Cyril McDermott gave reasons why librarians should attend the conferences. One of those reasons was that they would have the opportunity to hear Charlie McNabb. Now Cyril was not facetious, and I am not facetious. We all know that when Charlie McNabb has something to say it is worth listening to. Because the time is short, I am going to ask Charlie if he will give us the benefit of some of his observations.

MR. CHARLIE MCNABB [Chicago Bar Association Library, Chicago, Ill.]: I have a few comments on the subject. In the first place, I was at the meeting at which Dean Asheim was so rudely treated, and I can remember why he was so rudely treated. He was a very, very inexperienced man. He had acquired the deanship of the University of Chicago Graduate Library School without having had any experience with me. [Laughter] That was not true of his five predecessors, [Laughter] who have circulated themselves in a period of seven years that it took me to get a degree from that school, and the reason why it took me seven years was that I wasn't working at it all the time, but the other reason, and the real reason, was because the school refused to recognize a J.D. from their

own law school as part of the educational system with the university. They had a rule that in order to get a degree from the library school you must have at least two courses in your subject specialty, and it took me seven years to convince them that a three-year course, having acquired a J.D., was the equivalent of two courses in the graduate library school.

I don't know whether Columbia has that rule or not. Do they, Dean?

DEAN DALTON: No.

MR. MCNABB: Far from considering a lawyer an educated man, they put you back to the bachelor level you started out from and expect you to go on from there.

That is one of my points, and I think if the library school is going to make any attempt to train law librarians, they should at least recognize law as one of the educational processes.

There is another thing which I would like to point out, and that is that the job that I have now I have had for about twenty years, but it is purely temporary. [Laughter] The Executive Secretary of the Chicago Bar Association hired me along with another institution to edit a Union catalog which was being compiled by the CBA in Chicago, and which is still in existence. I was about a year and a half along with that when the war broke out and the librarian of the Chicago Bar Association died.

Now he had been there for twenty years. He was an ex-jeweler who happened to be out of work and also happened to be the brother-in-law of my prospective employer. The way I was hired was just in exactly these formal words. I was called into his office one day and he said to me, "Charlie, do you think that you could look after the library and keep up the other thing, too?" And of course, I said, "Sure."

Now the fact that I was there and that I was completely qualified and the best candidate they could possibly have found had no bearing on the subject whatsoever.

A little while later after they found out to their surprise a librarian is a useful tool to have on the premises, I was assured that my predecessor had been run into a box, that they had realized he wasn't really capable of running the library, but they didn't know what to do about it. I have often wondered whether or not if a form of certification had existed and there had been sufficient publicity about it so that my boss would have known that I had come to them certified and with a lifetime guarantee, he would have at that point offered me a permanent job. I am still wondering whether that would have happened, and that is twenty years ago.

Now I leave that as an open question because I am not certain it would have happened one way or the other, and I am not at all certain that I would have had a permanent job either. I leave you with this thought that when I go home from here I have a date with our budget committee. Thank you.

[Laughter and applause]

CHAIRMAN PRICE: Happy ulcers, Charlie.

I think the person most qualified to speak to this panel today is Harry Bitner. Come on, Harry. Harry, in

case some of you people don't know, is the chairman of the Placement Committee who has the job of fitting round pegs into square holes and so forth.

MR. HARRY BITNER [Librarian, Yale Law Library, New Haven, Conn.]: This isn't fair. I didn't even get any warning. At least Charlie was prepared for this.

I don't know why I should be treated differently. I don't know just what to say about this thing except from the standpoint of having served as chairman of the Placement Committee now for a couple of years. I don't know whether I have a better answer now than I had perhaps two years ago. When I first started I probably would have said certification would be a wonderful thing. It probably still would be, but as I have gone through the past two years I have come across so many different experiences with employers asking for particular applicants that I no longer know what would really be a good basis for setting standards or for putting out minimum qualifications.

In the last year particularly we have had many law school deans who are now establishing law schools, who want a qualified librarian. They want a good many things, but they aren't too willing to pay for them. But it comes right down in the final analysis that what they want is someone with a good deal of experience, so I have had to sort of stop and rethink what are the things that we ought to ask for. What does constitute a qualified, or what should constitute a certified law librarian?

I personally believe that I think that the training of law in library science is still very essential. I don't know what else to suggest at this particular time except that I do feel that it will probably help us a good deal if all of our present membership and present people are certified as law librarians through the grandfather clause, and from this point on, to work toward higher standards of qualifications, establishing good standards of education.

My personal feeling is I certainly would like to see a good deal of cooperation with the well-established library schools. I have a couple of quarrels with library schools about certain aspects of the courses they teach, but we won't go into that detail at this time. Thank you.

CHAIRMAN PRICE: Are there any questions?

MR. VINCENT E. FIORDALISI [Librarian, Rutgers University Law Library, Newark, N. J.]: Dean Dalton, I think, placed the responsibility almost right where it belongs. If this is a professional society I think he has thrown the responsibility on us for establishing the necessary educational qualifications for law librarianship.

I think further that Miles Price has opened up another area of responsibility when he raised the question of a qualifying certificate of some sort for the professional phase of library education, either post or during—either post-law school degree or post-experience.

One question I would like to raise, and I think it could be addressed to either Mr. Lane or Dean Dalton, and that is the continuing responsibility of the profession, one for the

maintenance of the standards, and two for the question of decertification. In most professional organizations the problem of certification or license and unlicensing rests with the profession.

CHAIRMAN PRICE: I am going to ask Mr. Lane if he has anything to say about the certification.

MR. LANE: I think the old standard in the field is that the squeaky wheel gets the most grease, and I think if there is a continuation of effort by your committee to establish the standards to require certain experience and academic background, in order to persist, assistance from the Association would be necessary.

CHAIRMAN PRICE: Dean Dalton.

DEAN DALTON: I actually don't know anything about decertification unless you are thinking of malpractice cases in medicine and such things. If you are thinking of such, I have had no experience with it, and no theory about it, I might add.

I have a feeling that what we have been trying to provide, and I think in the medical schools, the law schools and other professional schools around the country and around the world these days—what we are trying to provide in enabling practitioners to keep abreast of their art, is provided through the workshop, the seminar workshop thing I mentioned earlier. This would enable one to keep his vision fresh, but it doesn't quite touch on your subject.

CHAIRMAN PRICE: Mr. Mengarelli, the Court of Appeals Library of Syracue.

MR. EDGAR T. MENGARELLI [Librarian, Court of Appeals Library, Syracuse, N. Y.] Thank you, Mr. Price.

I would like to preface my question by saying I am in favor of certification. At least, I think I am. If I understand certification in three degrees I would like to ask this question. Will certification legislate personnel out of the library field?

CHAIRMAN PRICE: The experience in the Medical Library Association was that in the—I think five years or ten years—ten years, I believe it is, from 1947 to 1957, the membership increased 63 per cent. I mentioned that awhile ago as being one of the those interim arguments that apparently doesn't work out. Certification is voluntary in the first place, you know. Only 40 per cent of the incoming group of the Medical Library Association have asked for certification. I mean, it is something like war. It can happen or not.

MR. MICHAEL PUCHER [Librarian, Supreme Court Library, 5th Judicial District, Utica, N. Y.]: Mr. Chairman, I would like to have this question answered. If a candidate in the position of a law librarian has passed the examination of the civil service, what is the certification going to do to that applicant?

MR. LANE: I think in most instances the certification has been included as the original screen for the examination, so that if they accepted certification standards it stands in place of the examination and the problem would not then arise.

The things Dean Lockhart talked about are repeated in this process. Standards set up are screening standards, and this is supplemented by oral examinations. I don't think the problem would arise in most cases.

MR. PUCHER: I mean the written examination.

MR. LANE: The written examination, where certification has already demanded some sort of requirement, in most cases is waived.

MR. PUCHER: Then you say that the examination would be considered as certification to the Association.

MR. LANE: The examination questions would be a review of these requirements to see they had been obtained and supplemented by subjective oral handling before an oral examination board.

CHAIRMAN PRICE: We have a lot of people that want to ask questions, but before that, Frances Farmer has an announcement concerning the bus trip.

CHAIRMAN PRICE: We will conclude this panel with very great thanks to the participants. I have participated in some of these things myself, and I know it is a real job of cooperation, a real sacrifice on the part of those who come, and who have participated.

That will be the end of this session.

[The meeting recessed at 4:30 o'clock.]

WEDNESDAY AFTERNOON SESSION

June 29, 1960

The panel session on "Standards for Law Libraries," convened in the Iowa/Wisconsin Room at 2:30 o'clock with Mr. Harry Bitner, Librarian, Yale Law Library, presiding.

CHAIRMAN HARRY BITNER: I feel it is quite an honor to be serving as chairman of this particular panel because I think we are really very fortunate in having with us today three distinguished panelists. I think we are very fortunate to have them come and spend some time with us and discuss this important problem.

As you know, the purpose of this panel is perhaps to try and explain something about accreditation, about standards. I think it is in keeping with the caliber of our panelists.

Now as you all recall, last year we had a discussion on the quality standards. Our immediate past president proposed to this group that we take up a study, setting forth standards not merely to use for inspection, but ones that we would use ourselves to improve our libraries, to improve library service.

At the conclusion of that panel you will recall a very interesting controversy began over the so-called, or famous, Hervey letter. Now I have been told I should have said infamous. I stand corrected. [Laughter]

As a result of that particular discussion and the growing pressures from the American Association of Law Schools, that is being made by Professor Farnoff at the University of Toledo, the Policy Committee of this Association undertook the study of his entire problem. Sort of in between, I think, this matter of certification which has been before us and will be before us again tomorrow got in there, too. So the work in regard to standards has been going on on all fronts, but the Policy Committee came up with the recommendation that this Association concentrate on the law school standards.

Now I report this because originally our intention will be to talk about standards pertaining to all types of law libraries, but the urgency of the law school problem makes it imperative that we perhaps discuss that particular aspect, and as you will note, our experts here are particularly interested in the university, in the law school field.

This by way of introduction as to what we hope to get out of this panel, but I should say don't be surprised if you get a lot more. We have some very interesting persons here to speak. But before we get to that aspect, we have asked a very distinguished gentleman, one who has had a great deal of experience in this particular field, to come to speak first to us and set the framework, the background relating to the problems of standards, problems of accreditation, and it is really very kind and we are really honored to have our first speaker, Dr. William K. Selden, who is the Executive Secretary of the National Commission on Accreditation.

It seems rather superfluous for me to have to go into a long-winded introduction about these gentlemen. They are pretty well known—except for perhaps a few comments.

Dr. Selden has a very extensive experience in the field of education both as an administrator and in various capacities. He recently published a book on accreditation. It is a very small book, but a very interesting one, and one which all of us could read with a great deal of profit.

Without more, let me take great pleasure in presenting to you Dr. Selden.

DR. WILLIAM K. SELDEN: Thank you, Mr. Bitner. This is a pleasure for me to be here, although as I said to Miss Farmer, I am here physically, but sometimes not mentally. This is not unusual for me, but it is particularly so now. I have just returned after a most delightful and stimulating experience of several months abroad. A grant was made to me by the Ford Foundation to study certain phases of university education, and I had the good pleasure of being in five or six countries for a period of over a couple of months. Having just returned, I am not trying to be facetious at all, but I find the concern over not the John Hervey letter, but the March 10, 1958 announcement. I find this announcement of less importance, I fear, than I would if I had not had the experience of this particular type of trip.

The trip made me realize even more than any other European trip that I have made the great responsibility that we in the United States may not be facing, but have on our shoulders in international affairs.

The question of legal education is really not unrelated to it. Nevertheless, it is quite understandable that we are interested in defending—and I use this word advisedly—interested in defending our own particular positions and our interests, and this is partially the case in this particular requirement that has engendered a good deal of heat and discussion, writing and some intense feelings.

Let me take just a few minutes, if you don't mind, to describe the National Commission on Accrediting because I think this is necessary in order that you see the position in which we

operate. In 1948-1949 a group of institutions and several national education organizations created the National Commission on Accrediting, created it largely to protect the position of the President and the administration, and in turn the institutions from what in some cases were an over-excessive series of demands by some accrediting associations.

The attack that was created on accreditation by the then officials of the National Commission on Accrediting can be remembered by some of you, and especially quite understandably by Dr. Hervey because he was then involved in his present capacity, and not he individually but different accrediting organizations were subject to attack.

Fortunately, I was not involved in that. Fortunately, for myself, although when I assumed this position a few years ago I found a lot of debris that had to be pulled together.

Now this is the genesis without going into great detail of the National Commission on Accrediting.

In recent years the Commission has undertaken a program not of continual attack, but a program of attempt to improve education by in turn improving the accreditation process. It is for that reason that we immediately became concerned when this March 10, 1958 announcement of the law school autonomy over law libraries was issued.

Now it is very understandable, despite protest to the contrary—it is very understandable that those in a profession are concerned about the preparation of the future members of the profession. Any well established profession is interested in concerning itself in the preparation.

Take the example of the Guild system and the carpenters and so on. They were years ago interested in how people were prepared to enter the Guild, whatever it may be, and it relates the same if you take unions at the present time. They are interested in what the membership and the background training will be for those who enter the field. This is not unusual, and the principle that they are interested in should not be one subject to attack except where excessive or too selfish an interest is involved.

I mention this so that you will appreciate the National Commission on Accrediting now understands that accreditation is a natural manifestation in our society for some professions. We have not answered the question, however. I don't mean we singly, I mean we collectively. You and all the rest of us have not answered the question of what we are to do as professions continue to multiply and wish to enter the field of accreditation.

There is a second group that obviously are interested in this question of autonomy of law libraries. That is the library profession itself, and when I say the library profession I mean librarians, general librarians as well as law school librarians which you people are.

You have a genuine interest in this for two reasons. First of all, you are interested in effective, constructive operation of libraries as they support legal education.

Secondly, you are interested in this requirement because of its potential implications or what may be implica-

tions as to your professional status and your professional responsibilities. Then there is a third group which I represent in this case which is interested in this requirement, and that is the central administration of universities.

However, the central administration of universities are not interested only from the point of view of their own operations, but the operation of the university in general. It is these forces which are contending, and it is these forces which we on the platform together with you people represent.

Now let me tell you just a few facts, and then I plan to sit down because this is a panel discussion in which all of us are to participate, and the shorter that we talk in a semi-formal way, the better for the program.

When this came to our attention, this requirement, we made overtures to Dr. Hervey and to Mr. Clark, then chairman of the Council on Legal Education. I in turn most graciously was invited to meet with the Council on Legal Education at one of its meetings probably now two years ago. I am not sure of the date.

We discussed this, and if I recall correctly I made a comment which still somewhat amuses me. I, the only non-legally trained person in the room was questioning the wording of this statement to a group, all of whom were lawyers, and I stated that no part of an institution—and we are speaking of universities in this case—no part of an institution can be autonomous. If it is autonomous, it is not then a part of the institution.

Well, in a very friendly interchange I was told that this was not what the lawyers meant. Well, I said, "It is unusual from my point of view that a group of lawyers will use a word that they don't mean and profess they don't mean."

Well now, this is quibbling to a point, but it is symptomatic of a factor. It is symptomatic of the basic concern that I personally have. How can we have a much more intimate, closer relationship on the part of certain professional fields in our universities with the general operation of the institutions? And in this particular case, I mean law school faculties, with the other members of the faculty.

Now in some institutions such as Northwestern University where I was for some years, you have a law school in Chicago, and the main campus in Evanston, eight or ten miles apart. This presents a physical difficulty, but it typifies what does happen on many campuses where professors of law and professors of zoology and English and the liberal arts are separated much more than is desirable.

Now I mention this because the creation of this statement was propelled by a very sincere desire on the part of the Council on Legal Education to see that law libraries function adequately and effectively for legal education, but it was drawn up without sufficient interrelationship with the other people working in universities. This is what we are working toward, not merely the change of this wording, but we in the National Commission are working for a much closer relationship so that this type of issue in itself doesn't arise to the intensity which it did in the minds of at least some people.

Well, I go back to this meeting. It was discussed by the Council, and it has been discussed on several occasions subsequently. Dr. Hervey can speak of this much better than I. It is presumptuous of me to mention it other than the fact that I have been present.

At the most recent midwinter meeting which they very kindly also invited me to attend, a motion was passed authorizing the appointment of a committee to continue the consideration of the law library problem.

Now I mention it because this is indicative not that the Council on Legal Education is convinced that there should be a change. This isn't the point. They were convinced that they should give consideration to it and do so after this meeting at which there would be, I hope, a frank, open discussion of the problem.

Now let me just conclude by making this comment. We in the National Commission on Accrediting, as you may have inferred, disapprove of this statement. We disapprove of the use of the word "autonomy." We disapprove of any arbitrary requirement indicating that a part of an institution must be organized in a specific way and only in that way. We do not disapprove, but wholeheartedly support the basic motivation of the Council in wanting to improve law library operation. It would be our contention that the method should not be stipulated, but rather the goals of education should be described, and that some institutions should have law libraries whether the librarian operating the law library reports to the dean of the law school or comes under the general university library. It is our contention that it will vary with the situation, but that the general desired goals are uniform throughout all law schools. However you attain it, it should not be arbitrarily stipulated.

Now having said that, I will conclude, but I do wish to pass out to you, if I may, brief pamphlets which describe the statement of criteria which we in the National Commission on Accrediting employ in our recognition of accrediting agencies. In a sense this is a document similar to what accrediting agencies such as the Council on Legal Education employ when they visit and accredit a university. We employ this as a basis whereby we recognize accrediting agencies. In order that you will understand the position of the Commission, I should add a point I failed to mention.

Our membership in the National Commission comprises close to 1150 colleges and universities. Among the understandings on which our organization operates is that an institution will not deal on the basis of accreditation with any accrediting agency that is not recognized by the National Commission. I wish to emphasize that the Council on Legal Education representing the American Bar Association is a recognized accrediting agency by the National Commission.

CHAIRMAN BITNER: Thank you, Dr. Selden.

We will permit the panelists at the conclusion of all these talks perhaps to cross-examine each other. They may probably find themselves wanting to do so.

Our next speaker really needs no introduction because if you haven't

heard of John Hervey, you just haven't been around. But be that as it may, we all know what a job he has done for the ABA in the matter of inspection of law libraries.

He is the one that usually gives the very first approval in connection with law libraries when law schools seek accreditation. He does a lot of other things, but we won't go into that.

He is quite a busy man in many capacities. I suppose it wouldn't be amiss to introduce him as the Knight in Shining Armor who has come to the rescue of all these law librarians in having proper autonomy.

It is with a great deal of pleasure that I introduce Dr. John Hervey.

JOHN G. HERVEY: It is a genuine pleasure to be with you for this annual meeting. The purpose of my appearance is to "set the record straight" respecting the action on law school library autonomy taken by the Council of Legal Education and Admissions to the Bar at the Atlanta meeting in February 1958. The Council at that meeting made an interpretation on sound educational policy in the approved schools. We will quote the entire resolution later but it suffices at this point to quote the opening sentences which are as follows:

> The use of the library is an integral component of the educational process of the law school. To assume maximum contribution to this process it should be administered by the law school as an autonomous unit, free of outside control.

Your speaker, at the direction of the Council, transmitted copies of the interpretation to the approved schools. The letter of transmittal, dated March 10, 1958, has been referred to in some quarters, sans affection, as "the infamous Hervey letter." It is not possible to understand the resolution of interpretation or the letter of transmittal without the background. Your speaker is here to paint that backdrop accurately in swift and brief strokes under the program subject entitled: "The American Bar Association and Law School Library Standards."

At the outset, we would point out that Hervey is not the Council on Legal Education and Admissions to the Bar. He is not even a member of the Council—he makes no motions and he does not vote. He merely works for the Council and follows instructions. He is what the plain language of the office indicates—"the Adviser to the Council." He advises only when advice is solicited and has neither horns nor tail.

Let us begin at the beginning of the record. The American Bar Association was organized in 1878. One of the initial standing committees was a Committee on Legal Education. It was a very active committee—made surveys, assembled the facts, and made recommendations. It made many recommendations which failed of adoption. One recommendation, for example, was that each law school should have at least one full-time teacher. In truth, that recommendation was made at three meetings of A.B.A. but we find no record that it was ever adopted.

The members of the Committee on Legal Education, leaders of the bench and bar, and the better law schools were disappointed with the accomplishments of the committee. Some felt that greater progress could be made through a Section On Legal

Education and Admissions to the Bar. The Committee on Legal Education so recommended. The recommendation was adopted and the Section was constituted in 1892. It was the first of the now seventeen sections of A.B.A. It was then, is now, and has ever been a *pro bono publico* Section. The work of the Section is carried on under appropriations made by the board of governors of the parent organization. Those who labor in the vineyard of the Section do so because of an unselfish desire to be of service to the profession and to the public. They do not expect referrals by fellow members of the Section.

Upon organization the Section likewise labored diligently for improvements. But again there was disappointment in the progress being made. The suggestion evolved in a few years that perhaps better results might be had if the law schools were organized into a separate association. Thus the Section was projected and consummated in 1900, the organization of the Association of American Law Schools. The A.A.L.S. achieved some improvements in the law schools but not enough to satisfy the leaders in the better law schools and in the profession.

While the discussions were going on, some years after the organization of A.A.L.S., respecting the progress being made in the law school world, the Flexner Report on the American medical schools came from the press. The leaders of the legal profession were impressed with it. They suggested that a comparable study be made of the law schools. The study was made with the cooperation of the law schools and the profession. As it neared completion it became apparent that any recommendations made therein would have to be implemented if the desired results were to be achieved. Thus it was that a special committee of lawyers and law teachers was constituted. Mr. Elihu Root served as chairman.

The Root Committee proposed that minimum standards for legal education for admission to the bar be adopted by A.B.A. The standards recommended by the Root Committee were adopted by A.B.A. in 1921 and the task of getting the admitting authorities in the several states to follow the recommendations was entrusted to the Section of Legal Education and Admissions to the Bar.

Your attention is now invited to the pertinent standard respecting law school libraries. Permit me to read it. The language is:

> 1. The American Bar Association is of the opinion that every candidate for admission to the bar should give evidence of graduation from a law school complying with the following standards:
>
> . . . . . .
>
> (c) It shall provide an adequate library available for the use of the students.

The pronouncement was and still is only an expression of official opinion by A.B.A. of the minimum qualifications which should be exacted of those who seek admission to the bar. It was made for the consideration of those charged with the formulation of the rules governing admission to the bar in the several admitting jurisdictions. The A.B.A. did not then nor has it ever characterized itself as an accrediting association. That label was handed to A.B.A. by the National Commission on Accrediting a few years ago when that organization concluded to ac-

credit the accrediting agencies. It was done without application of A.B.A. and after the Council had declined to honor a ukase from N.C.A. to discontinue the approval of law schools.

The A.B.A. was without power to impose sanctions. It concluded to invoke publicity. Thus the resolution adopted in 1921 further provided:

> The Council of Legal Education and Admissions to the Bar is directed to publish from time to time the names of those law schools which comply with the above standards and of those which do not and to make such publications available so far as possible to intending law students.

Note that the Council was *directed* by the Association to publish the names of the conforming and nonconforming law schools. The Annual Review of Legal Education, which has been published annually since 1923, has shown the status of each known law school. The Council publishes a supply of 3,500 copies a year and they are available without charge upon request. Your speaker is the editor.

The standards which were adopted in 1921 remained unchanged until 1938 when one other was added. It provides as follows:

> (f) It shall be a school which in the judgment of the Council of Legal Education and Admissions to the Bar possesses reasonably adequate facilities and maintains a sound educational policy; provided, however, that any decision of the Council in these respects shall be subject to review by the House of Delegates on the petition of any school adversely affected.

Please bear in mind that those directives to the Section and to the Council came from the House of Delegates which is the policy-determining body of A.B.A. The minimum standards respecting adequate library, adequate plant, full-time teachers, etc., and the publication of the names of the schools are not things which the Council dreamed up. The Council is only the agent of its principal.

One asks: "What is the Council? How is it constituted?" Those are good questions. The answer is that the Council is a group of twelve members of A.B.A. who are elected by the Section. The Section is composed of those members of A.B.A. who want to participate in the work of the group—no dues are paid. There are twelve members on the Council. They are a chairman, a vice-chairman, a secretary, the last retiring chairman, and eight others who are elected for staggered four year terms. The officers are elected annually. For some twenty years now not less than a third of the members of the Council have been from the law school field—law deans and teachers. Additionally, the president, president-elect, and secretary of A.A.L.S. and the Chairman of N.C.B.E. are invited to all meetings—they may participate in the deliberations but have no vote. All members serve without pay.

The Council initially had no permanent or full-time personnel. There was no permanent staff to follow through. Thus it was that, in the late 1920's, the Section secured the funds from the board of governors to hire a full-time Adviser. The first one was Claude Horack who hailed from Iowa. He rendered yeoman service in giving continuity to the work of the Council and was most effective in working with the law schools and with the boards of bar examiners. Substantial progress was made under him. But

after a few years he left to become the dean of the law school at Duke.

The country was in the midst of a depression at the time, funds were lean, and the Council replaced Dean Horack with a part-time Adviser, Mr. Laurence W. DeMuth, of the faculty of the law school of Colorado. He entered the armed service at the outbreak of World War II and was replaced, on a part-time basis, by Dean Gordon Johnston of the University of Denver who, in turn, was succeeded on a part-time basis by Professor Russell Sullivan (now Dean) of the University of Illinois, who resigned upon the return of Mr. DeMuth on a part-time basis to the position at the close of the war. Mr. DeMuth continued until the appointment of your speaker who assumed the duties of the office in 1947.

Move now to the early 1950's. Several factors concurred to stimulate greater action by the Council. The Survey of the Legal Profession, under a specially constituted Council headed by Hon. Orrie Phillips of the Tenth Circuit Court of Appeals had, as a part of the work, inspected the law schools. An attempt had been made to get the "feel" of the work being done in every law school in America. All areas of performance were explored but one special area probed was the adequacy of the law school libraries—a matter, please note, specially required under the A.B.A. standard of 1921. Some lamentable weaknesses were disclosed in numerous schools. In all too many schools, the quantitative standards of A.B.A. and of the Council, which are intended as minimum or floor standards, had become the ceilings for the library operations. There came also in 1950 an attack from the bar examiners upon the job being done by the Council. At the annual meeting of the National Conference of Bar Examiners it was asked: "What assurance can the Council give us that the schools comply with the A.B.A. standards? What does the Council, of its own knowledge, know of the work being done in each school? How long has it been since named schools were visited to determine compliance?" It was suggested further that mayhaps the N.C.B.E. should promulgate a set of standards and police compliance therewith. The implication was clear. Members of the Council were present and heard the attack. The rules governing admission in some forty-odd states had been geared to the A.B.A. standards. The Council had no difficulty in getting the point.

Finally, about 1950, the A.B.A. was under attack by the newly created National Commission on Accrediting. The chairman seldom let a chance pass to criticize the Council. That organization directed the Council of the Section, by a fixed date, to discontinue the approval of law schools. The Council attempted to reason with N.C.A.—to induce them to see that traditionally training for admission to the bar had been under the control of the profession, that A.B.A. had done effective work in raising the admission requirements in the several states and in improving the schools, that the rules governing admission in the states were geared to the A.B.A. minimum standards, and that the criticisms made of accrediting agencies by N.C.A. were not applicable to

A.B.A. The Council was not successful in the attempt.

The net result of all of this was that the Council began to look more closely at the facts in the schools. More inspections were made than in prior years. Where the earlier inspections had probed for compliance with the quantitative standards the new ones probed more deeply into qualitative performance.

What did these inspections disclose as respects the library area? Permit me to mention, while omitting the names of the schools, some of the things that were found. The library of one law school was housed above the music school of the parent institution; in three schools the libraries were housed in discarded army barracks, literal fire traps with leaking roofs and walls that were not water proof; schools in which both the shelving and study areas were crowded with essential materials shelved in basements, attics, classrooms, hallways, and the offices of the professors; libraries over which the law faculties were without authority in hiring or discharging law library personnel, or fixing the hours for use and in which the law librarian, under the director of libraries, took his own good time in ordering and processing materials for which the law faculty and students had immediate need (one year in one case and fifteen months in another); a library in which the least used materials were housed closest at hand in the reading room; a law librarian with "political pull" who was not much disturbed about the coverage of the materials or their effective use; schools in which essential materials were stacked in the aisles between shelves; one library in which the funds raised from the sale of the excess law library materials were pre-empted by the director of libraries for the use of the general university library, and another in which the director of libraries had forbidden those in charge of the library to let the law dean see the annual reports on the law library operations.

One result of the disclosures following more frequent and more intensive inspections was that the Council inaugurated the practice of inviting the central administrators of the parent institutions, along with the deans of the attached law schools, to meet with the Council.

Bear in mind that the Council meets only twice a year and that the members contribute their time without monetary compensation. Each meeting lasts two days. The conferences with central administrators and law deans took much time. A recurring matter was the law school libraries. At one meeting of the Council, in 1952, almost a half day of the Council's time was given over to the library problem in one school. Permit me to quote from the Minutes of two fairly recent meetings of the Council. The following excerpt, omitting the name of the school and the persons in attendance, is from the Minutes of the Meeting of the Council on February 28, 1957:

> The vice-president of the University of . . . appeared before the Council in response to invitation and commented on the steps taken to improve his school (since the inspection). He noted that new lighting fixtures have been ordered for the law library (funds were raised by the Dean and not by the University administration); that no improvement in library study facilities had been made; that the

> law library continued to be administered by the director of libraries (naming him) to the dissatisfaction of the law dean and faculty; that he had only recently issued a "directive" to the director of libraries which he hoped would resolve all difficulties; but that if the "directive" failed the law school faculty would be given complete autonomy over the law library.

The directive did not produce hoped for results. Thus it was that the central administrator, accompanied by the law school dean, appeared before the Council at the next meeting on July 19, 1957. An excerpt from the Minutes of that meeting, again omitting names, reads as follows:

> The representatives of the University of . . . appeared at the request of the Council. The Dean reported that the letter about which . . . had spoken at the February meeting of the Council had not produced satisfactory results in the library area; that inordinate delays have continued in that all continuation materials go to the main library; and that real injury to the law school continues . . . (the central administrator) explained the policy of the University administration and the necessity of making dollars go as far as possible in all divisions. Following their withdrawal from the meeting, the Council considered the matter fully and it was moved by Holme, seconded by Seymour, and carried, that the Council finds that sound educational policy requires that the dean and faculty of the law school at the University of . . . be given complete autonomy over the library of the school and that plenary power in all matters and things respecting the library of the law school be thus vested and that the director of libraries be divested of all existing power and authority over the law library which will in any way interfere with the autonomy of the law school over said library.

At the same meeting of the Council in New York in July 1957, the central administrator and the law school dean of another approved school appeared in response to an invitation of the Council. Again, the basic difficulties were in the library area—the law library of the subject school was a part of an integrated system with full power vested in a director of libraries. The Council heard them at length, gave full consideration to all pertinent facts, and closed the matter by passing, without dissent, a resolution identical with the one quoted above except for the name of the institution.

After the retirement of the representatives of the two institutions just referred to, several members of the Council inquired whether it was necessary to spend so much time in dealing with the schools individually on the problems of law library autonomy; that law school library materials are the tools with which lawyers work; that late in the 1800's when training for the bar passed from the law offices to the law schools in the universities, it became necessary for the universities to assemble the tools; and that those charged directly with the training for the practice of law could do their most effective work only if they had full control over the law school libraries. Following the discussion, a resolution was passed. A committee on draft was appointed. The following excerpt is from the Minutes of the same meeting of the Council:

> The problem posed by . . . raised the general question whether the standards should be revised to require complete autonomy over the law library in all approved schools (as a matter of sound educational policy). Upon consideration it was concluded that this should be done, following which it was moved by Seymour, seconded by Holme, and carried that the chairman appoint a committee of three to formulate the appropriate language to embody the requirement in a standard to be made applicable to all approved schools.

The Chairman of the Council named Dean F. D. G. Ribble of the University of Virginia, Dean John Ritchie, III of Northwestern University, and Professor Robert Mathews of Ohio State University, all members of the Council, as a committee on draft. The committee reported at the Atlanta meeting of the Council on February 22-23, 1958. The Minutes of the meeting speak for themselves. Permit me to quote therefrom. The relevant excerpt reads as follows:

> Dean Ribble reported for the committee on autonomy over the law school library. Dean Ribble submitted a written draft. Dean Ritchie questioned whether the proposed language went beyond the instructions to the committee. The experiences at . . . (three schools named) each of which has a director of libraries, were reviewed. After full discussion it was moved by Mathews, seconded by Ritchie, and carried, that the Council adopt the interpretation following:
>
> **LAW SCHOOL AUTONOMY OVER THE LAW LIBRARY**
>
> The use of the library is an integral component of the educational process of the law school. To assure maximum contribution to this process it should be administered by the law school as an autonomous unit, free of outside control. Exceptions are permissible only where there is preponderance of affirmative evidence in a particular school, satisfactory to the Council, that the advantages of autonomy can be preserved and economy in administration attained through centralizing the responsibility for acquisition, circulation, cataloguing, ordering, processing or payment for books ordered. Cooperation between the law library and the general library is always to be encouraged.
>
> The law librarian should be appointed on recommendation of the dean after consultation with the law faculty. He should be directly responsible to the dean. Other members of the library staff should be appointed on recommendation of both the librarian and the dean. However, any appointment that entitles the holder to faculty rank should be only after approval by the faculty. When the law library is autonomous, the staff should be administratively and fiscally a part of the law school.

The Adviser was directed to transmit a copy of the Resolution to each of the approved schools. The Adviser made the distribution under date of March 10, 1958. The letter of transmittal read as follows:

> At the meeting in New York last July the Council determined that sound educational policy requires that the law faculty have autonomy over the law school library. A committee on draft was appointed. The committee made its report at the meeting in Atlanta last month and the Council has adopted the determination following: (See *supra*)

Now we grant you, and we believe that all members of the Council would concede, that this is a matter on which reasonable men may differ. We submit that the members of the Council, who voted for the resolution without a single dissent, were and are reasonable men. Perhaps you would like to know who they were. Again we quote from the Minutes of the meeting of the Council:

> MINUTES OF THE COUNCIL MEETING
> SECTION OF LEGAL EDUCATION AND
> ADMISSIONS TO THE BAR
> ATLANTA-BILTMORE HOTEL
> ATLANTA, GEORGIA
> FEBRUARY 22-23, 1960
>
> Present: Herbert W. Clark, Chairman; Peter H. Holme, Jr., Vice-Chairman; Shelden Elliott, Secretary; John M. Allison, Section Delegate; and Messrs. John Ritchie, III, Len Young Smith, Homer D. Crotty, George A. Spiegelberg, G. W. Parker, Jr., F. D. G. Ribble, Robert E. Mathews, and Olin E. Watts. Also present were Dean Erwin N. Griswold, President, William L. Prosser, President-Elect, and Dean Frank Strong, Secretary, of the Association of American Law Schools. All

sessions were attended by Sharp Whitmore, Chairman of the National Conference of Bar Examiners.

May I tell you a word about them? Aside from the fact that all are lawyers and are active members of the A.B.A. and of the Council and had participated in the consideration of the matter, each of them had a background of experience worthy of mention. Mr. Clark is a graduate of Michigan, class of 1907, long active in the alumni affairs of his school, a member of one of the leading law firms in San Francisco who has personally and successfully defended some of the most important anti-trust prosecutions in recent years, a former member and chairman of the California board of bar examiners. His record of work for the improvement of the schools and the profession stands unexcelled. Peter Holme, Jr., is a practicing lawyer, a graduate of the University of Colorado, and a member of one of the leading law firms in Denver. Mr. Elliott, who studied law both at Yale and Southern California, is a former dean of the University of Southern California Law School, a former secretary and a former president of A.A.L.S., presently a member of the faculty of New York University Law School, with teaching experience at Michigan, Rutgers, Utah and Hastings, and the director of the Institute of Judicial Administration. Mr. Allison is a graduate of the University of Florida Law School, a former president of the state bar of Florida, a former chairman of the board of bar examiners of Florida, and a member of one of the leading law firms in Tampa. Dean Ritchie was assistant dean at Virginia, served as dean at Washington University and the University of Wisconsin before going to Northwestern, and has taught at Washington and Maryland. Mr. Smith is a leading practitioner in Chicago and a former chairman of the Illinois board of bar examiners and a past chairman of the National Conference of Bar Examiners. Mr. Crotty, a graduate of Harvard, is a past chairman of the California board and past chairman of N.C.B.E. and one long interested in the improvement of law schools and the bar. Mr. Spiegelberg is an active practitioner in New York City with first-hand knowledge of the problems of the schools in that area. Mr. Parker is an active trial lawyer in Fort Worth —a graduate of and much interested in the University of Texas. Mr. Watts is a former president of the state bar of Florida, a past chairman of the Florida board, and a past chairman of N.C.B.E. Deans Ribble, Griswold, Prosser and Strong are well known to all of you and we need not particularize further on them. And Mr. Whitmore is one of the most active practitioners in Los Angeles, a past chairman of the California board and a past president of N.C.B.E. Suffice it to say that the above-named individuals who participated in the discussions and who formulated and adopted the above-quoted resolution of the Council are knowledgeable lawyers, law teachers and law school administrators. They are reasonable men. They did not act hurriedly. They acted only after the facts were in and after taking counsel with each other.

No approved law school has as yet suggested that the resolution be re-

pealed or amended in any respect. No school has asked that an exception be made in its favor as provided in the resolution. No school has indicated that it will not comply and asked for withdrawal from the approved list. And remember, please, that any school adversely affected can take an appeal to the House of Delegates.

You may gather from what has been said by the preceding speaker that the action taken by the Council at Atlanta in February 1958, has displeased some people. We grant you that such is true. But the Council was not bidding for popularity. Some people quarrel with the verbiage used and more especially to the use of the word "autonomy." It is a "dirty" word to them. The Council feels that, when read in context, the meaning is clear. But for more than two years now the Council has invited suggestions as to a substitute word or substitute verbiage. None has been forthcoming.

Some have referred to "the dilemma" in which the Council finds itself. They do not read understandingly. Neither the Council nor the Adviser is in any dilemma on this matter. The Council has taken a position to accomplish an objective. Although the Council has met four times since the resolution was adopted, no motion has yet been made to rescind the resolution or to change a single word thereof.

Such is the record. We have given it to you from the official Minutes. We respectfully submit that it speaks for itself. May we indulge the hope that you will keep it straight.

CHAIRMAN BITNER: Our next speaker, probably to a great many of you, needs no introduction. He has had a distinguished and outstanding career as a librarian. Since this whole matter came up I served with him on the ACRL committee as chairman of that committee.

I think I have learned a great deal, and I am hoping that he has learned even more. I have a great deal of faith in Ralph that he will come to understand us even better. He has given a little ground, but to my mind I think that he really is one of the real down to earth librarians, and the reason I say that, although he has a Ph.D. and from the University of Chicago Library School, he still has his feet on the ground. He is an able librarian, and I have a great deal of respect and admiration for him, for his ability to sort of get things activated, stirred up, and I think we will have a great deal of interest in hearing what he has to say.

It is with a good deal of pleasure that I present to you Dr. Ralph Ellsworth, the Director of Libraries, the University of Colorado.

DR. RALPH E. ELLSWORTH: I believe that one cannot comprehend the problem of accrediting libraries, or the problem of library administration without a quick look at the history of university library administration during the last 100 years.

Prior to the 1890s all university libraries were small, uncomplicated in their collections and their use. One became a librarian, just as one became a lawyer, by "reading" for the work. University libraries were all managed by the faculties directly—usually by one member assigned to the task because he couldn't get along with his colleagues.

But as university libraries began to grow rapidly problems began to emerge for which there were no systematic answers. As experience with these problems accumulated this began to be called library science and library schools began to teach this organized experience. By the end of World War I, the large university libraries found that the professor as librarian was incapable of managing university libraries and professional librarians were put in charge. Just as "reading for the law" was replaced by law school preparation so in the same period library school preparation replaced the professor-librarian.

But we have found that a technical training is not enough. So today university libraries are managed by people who have both an academic and a professional preparation. Practically all large university libraries are headed by men with a Ph.D. as well as a professional library degree. Cornell University under Otto Kinkeldy, a great musicologist, was the last of the large universities to depart from the medieval tradition. And if you want to see what the introduction of modern library methods means to a university go to Cornell and see the changes that have been made since Dr. McCarthy went there in the 1940s.

Accrediting concepts, too, have changed in recent times. As long as there was no so-called science of procedures, it was necessary for accrediting agencies to tell universities how to get the results the agencies believed to be desirable. But as the science of procedures in all intellectual disciplines evolved, the accrediting agencies during the 1940s and 1950s stopped telling universities how to get desired results and concentrated on the statement of desirable goals.

So much for background.

Only in the last 15 years have university law libraries become large enough to feel the force of these developments. Thus, it is natural that law school faculties, and the American Bar Association officials not connected with universities, should fail to realize that times have changed. Any fair minded man would have to admit that the Miles Prices and Harry Bitners and Myron Jacobsteins have proved the point that the proper education and training for a university law school library is both legal education and library science education.

I can prove this from my recent experience at Colorado. When I returned there two and one-half years ago Howard Klemme, as nice a guy as ever lived and as smart as they come, knew what was wrong with the law library but he lacked the professional knowledge to know how to correct the situation. Myron Jacobstein, equally nice and smart, has both law and library training, and he knows how to proceed. During the last eight months he has been able to accomplish more in getting the law library on its feet than has been accomplished in the last 50 years. And this is not an exaggeration.

Thus, when the Hervey letter was sent to Deans on March 10, 1958 and when some university presidents and directors of libraries saw it, it is quite understandable that some people checked their calendar to see whether the year was 1958 *or* 1858.

As chairman of the Association of

College and Research Libraries Committee that was appointed to look into the situation I have learned a great deal about the problem and I would like to summarize what I know in the following statements:

I. Most wise men now know that accrediting agencies shouldn't tell universities how to run their affairs. Their position should be neutral. Each university should be free to adopt the administrative procedures and relationships that seem best for it.

By telling universities that central administration of law school libraries will be permitted by the American Bar Association only if central library administration can prove that it is capable is a reversal of the traditional American doctrine that one is innocent until proven guilty. Law schools are only one part of a university. For one school to tell its parent university it must prove its competence is not only impertinent but lacking in a proper sense of proportion. If a school wishes to be "of" as well as "in" a university it must act accordingly.

II. I am aware that there has been accumulated at the American Bar Association and in the minds of law school faculties and some law librarians the idea that Directors of Libraries are a bunch of dopes incapable of understanding the needs of law libraries.

There is some truth in this, particularly in smaller universities, but there is more truth in the statement that this is a myth caused by the way in which the American Bar Association's inspectors do their inspecting of law libraries.

In the first place, they usually send out professors who lack the background for proper understanding of modern librarianship. They seldom send out you law librarians, who are the only ones that are really capable of adequate evaluation.

In the second place, these inspectors have gathered one sided information and incomplete information. I could cite you four recent instances of where the American Bar Association inspector has gone to universities and has inspected the law library and has failed to check his facts with the director of libraries to see if he were telling the full truth. In each case some very foolish and harmful statements were made that would not have been made if the inspector had asked the Director for an explanation or an interpretation.

I would venture to say that this is the heart of the problem. The almost hysterical tone of the statements in the Fornoff report and the other similar irrational attitudes I have encountered have their roots in this faulty procedure.

The American Bar Association officials should correct this matter at once by first, sending out law librarians to inspect law libraries and second, by making certain that all findings by inspectors are shown in advance for their comments by Directors of Libraries before they are submitted to the American Bar Association.

If these two changes are made I submit that a very different picture will emerge. At the moment a most unfair situation exists. The situation is so scandalously unjust that an investigation by some outside disinterested agency should be made. Even if

such a study were made and the true facts revealed I think years would have to pass before the old prejudices and stereotypes would cease to be used as an argument for autonomy.

III. If the American Bar Association Section of Legal Education and Admittance to the Bar officers would pay some attention to you law librarians in the matter of writing accrediting goals and in the application and enforcement of these goals they could easily get themselves off the hook. But they aren't likely to do this until they realize that they are on the hook—which I fear they don't at the present time. Nor do they seem to be open-minded about learning the facts of university law library life.

After meeting with these men I am impressed by the fact that there are too many people not connected with universities, or with good universities, speaking on matters they do not understand because of their lack of contact with the actual operation of a good university.

IV. It is important that everyone realize that the use of a university library is an integral component of the educational process of any part of the university. To think otherwise is simply to reveal our ignorance of what a modern university is and how scholars in various fields work.

The first sentence in the Hervey statement seems to assume that Law Schools are the only ones in the universities that use libraries as integral components of the teaching process. There may be differences in degree and extent of use, but when law school library use is compared with the graduate study level of other parts of a university—in English and History for example—which also use the library as an integral component of the educational process and whose collections are larger and just as complex, bibliographically speaking, as are law collections, the differences are not as significant as are the similarities. And even the sciences, which also have laboratories, must rely on their libraries as intimately and in much the same way as do students studying law. The manner in which the Hervey statement is made creates an unfortunate impression on anyone who has an intimate understanding of the intellectual life of all parts of a modern American University.

V. It is important that everyone realize that the faculty controls *all* parts of a university library. This should be taken for granted. And the way they do this is through the administrative officials the university appoints for this purpose. To think otherwise is simply to reveal ones naiveté concerning the nature of university administration.

The Hervey statement misunderstands the nature of the central administrative control over a department in a university. No department is ever "free of outside control" in the sense the Hervey statement implies. In terms of the law school library problem it is a question of whether the central administrative "control" is expressed by the Director of Libraries or by the President or his academic representative. Even if it is expressed by the latter, in most cases the Director would be consulted before major decisions (such as allocation of book funds) are consummated.

It may be true in a few of the older privately supported Eastern universities that the Dean of a law school can be "free of outside control," but this is not true for 95% of the universities in America.

The assumption that autonomy is the only cure for the ills of university librarianship is a weak one. All university libraries have weaknesses in their service. Some of these weaknesses can be cured only by decentralization and some only by better financial support. Those that can be cured only by better financial support should be shared equitably by all parts of the university family. No one school should feel that it has a better case than other schools for exemption. Those that can be cured by decentralization only can be cured faster if all parts of the university family will work together. The secessionist spirit is seldom the right one in which to solve the basic problems.

VI. It is high time everyone realizes that librarians in all parts of a university are a part of the teaching staff of the university subject to the needs and wishes of the areas in which they work. It is true that law librarians have gone further in obtaining faculty rank and teaching titles for themselves than have other parts of library staffs in about one-half of American universities and it is also true that Directors of non-academic personnel have imposed straight jacket controls over the staffs of some libraries. One cannot deny that these situations are a barrier to close relationships.

VII. It is essential that everyone realizes that all parts of a modern university are closely interrelated and interdependent. To favor one part, at the expense of others is to create inequities that eventually harm the favored part as much as the others. If law schools use their political power in a university to such an extent that they get so much of the university's book funds that the basic social science collections are weakened, the law schools will in the long run suffer because their students, who come from the social sciences, will not have had access to the books those departments could not purchase.

Someone in the university has to balance the book fund needs of the various colleges. If it isn't the Director of Libraries who does this it will have to be the academic vice-president. The Dean of the law school can control the monies appropriated to his college only.

VIII. I am aware of the intellectual dilemmas legal education faces in the modern university and of the struggles for status in relation to graduate education the schools face. It is my opinion that you law librarians can be more helpful to the law schools than can the rest of the faculty, or the American Bar Association, if you will get yourselves into the main stream of university thinking, and by so doing help scholars in other parts of the university better to understand the intellectual processes involved in legal education.

IX. Out of the ruckus that has developed out of the Hervey letter much good will come provided that you law librarians insist the American Bar Association Section stop ignoring you. They pulled a bad boner by ignoring you. They know it even if they won't

admit it. The time is ripe for wise statesmanship on your part. You will find that Directors of Libraries can be most helpful to you if you give them a chance.

X. Earlier in my comments I said that accrediting agencies have stopped trying to tell universities how to run their affairs and have instead concentrated on stating desirable qualities of performance.

To show you what this means I offer a draft of the kind of standards I would like to see you perfect and submit to the American Bar Association as a substitute for the Hervey letter of March, 1958.

DESIRABLE QUALITIES OF PERFORMANCE FOR A LAW SCHOOL LIBRARY

—What a university law school library should be and do:

I. *The Law Library in the University—What is good law library service?*

Law schools, in common with other schools and departments in a university that use library facilities as an integral component of the educational process, should have the kind of library facilities and service that fit the specifically expressed needs of the faculty and students. The Law Librarian, as spokesman for and administrator of these needs, should translate them into service within the limits of his budget and physical facilities, and in doing so should utilize the best ideas and practices to be found in other law school libraries.

If, through inspections made by representatives of the American Bar Association or the Association of American Law Schools, or through any other source, the quality and quantity of library service proves to be deficient, the source of the trouble should be sought in these places:

a. The law librarian.
b. The administrative officer, or officers, to whom the law librarian is responsible.

Once the reasons for the poor service have been found and described properly by a committee representing all parties concerned, the president of the university, or his representative, should be apprised of the situation. If this does not lead to correction of the weaknesses, or a satisfactory explanation of why the weaknesses cannot be corrected, the accrediting agencies will then be justified in exerting external pressure.

If the problem proves to be one that can't be solved except by better financial support and if the university administration can show that it is giving a normal percent of its income (based on comparative statistics) to the law library, then the accrediting committees will take this fact into consideration before deciding to withdraw accreditation.

II. *Desirable Acquisition practices*

Once the book fund allocation has been made, the law school faculty, as is true of all faculties, working through the law librarian, has final authority in selecting materials to be purchased. The central library administration speaks on department acquisition practices only when, because of limited funds a decision

based on the interests of the university as a whole is involved, there are questions arising from the purchasing of costly, little used materials, or materials that duplicate other collections in the university.

To obtain the maximum benefits of appropriations for law acquisitions, the law librarian should always cooperate closely with the central library acquisitions librarian and utilize his expert knowledge. When unavoidable delays occur, the law librarian should explain to the law faculty the reasons for such delay.

III. *Desirable cataloging and classification practices*

Cataloging and classification practices for a law library should be based on the specific needs of the school. Insofar as it may be compatible with such needs, the services provided by the Library of Congress and the central catalog department of the university should be utilized. There is no one best method of administrative structure for law cataloging applicable to all schools. Each school should so organize its cataloging processes that its law library can best serve the needs of its faculty and students. The American Association of Law Libraries and the Association of College and Research Libraries should encourage the Library of Congress to develop and make available a law classification scheme so that law libraries may utilize this service now available to all other scholarly disciplines.

Any cataloging operation that slows up the processing of books longer than two weeks should be suspect.

IV. *Desirable qualities of a law librarian*

For proper administration, each law library shall have a law librarian devoting substantially his full time to the development and maintenance of the law library. The law librarian shall have a sound knowledge of librarianship and legal education, and preferably have degrees in both disciplines. The law librarian should be provided with sufficient professional and clerical staff so that the library may be maintained in a full and adequate fashion.

Also, because the law librarian will frequently be expected to teach the course in legal bibliography and because the work of a professional librarian is essentially teaching in nature, he should be a member of the law school faculty, with rank commensurate with his qualifications.

V. *Desirable relations between the law library and the rest of the university library system*

These relations should be an accurate reflection of the basic intellectual relationships among the various disciplines and instructional and research programs. All library policies and practices should exist to facilitate the work of the community of scholars, much of whose work will require them to use the literature of more than one discipline. Jurisdictional barriers within the literature of knowledge should be kept to a minimum. Since law as a discipline is deeply rooted in history and the social sciences, and medicine and psychiatry, and in turn has a deep influence on them, the problem of assembling and managing the literature of these inter-

twining disciplines, with limited budgets and physical facilities, is one that has to be solved with patience and tolerance for conflicting rights of access. Knowledge cannot be the personal possession of any one scholar or department, and the literature of knowledge, in the same spirit, belongs to the university.

VI. *Desirable physical conditions*

Physical facilities should be designed to provide the right amount and kind of atmosphere and working relationships that will enable the reader to study among the books freely and easily, in quietness and in reasonable comfort. Because law school students spend many hours reading in the library, furniture and equipment should be chosen for comfort first and appearance second. The unique needs of a law school as stated by the law librarian should govern the physical organization of the law library.

VII. *Representation in policy formation*

It is essential that the law library be represented in the bodies that formulate university library policies and decisions. In most universities this will normally occur at two points: The Senate Faculty Library Committee and the Library Administrative Staff meetings. It is important that the law school be represented on the Senate Library Committee and that the law librarian be on the university library administrative staff, just as heads of other comparable library departments would be.

VIII. *Desirable law library collections*

In addition to the basic, standard books, reports, services, documents and periodicals a law school library must own, each school will probably posses special curricula, and faculty interests that will call for special library resources. The law librarian, in consultation with the faculty will be expected to state these needs, and their costs, so that central administration can budget a proper amount for their purchase.

CHAIRMAN BITNER: Thank you, Ralph. You didn't miss a point at all.

I think that we would like first of all to give these other panelists a chance to comment on each other's presentation before we ask for questions or comments from the floor.

Dr. Selden, do you have any comment?

DR. SELDEN: I would prefer to hear the comments from the others first.

CHAIRMAN BITNER: Mr. Hervey.

MR. HERVEY: The Council is convinced that there are some things in life on which reasonable men may reasonably disagree. For example, is it better for married couples to outfit their bedrooms with single beds or twin beds. I don't know. I have tried both, and I have found one no more satisfactory than the other. [Laughter] Which is to say that the Council of Legal Education has no quarrel with that which works well in any given institution, but some of these problems about which I spoke did not arise in small marginal schools.

The point I tried to make was that the Council meets only four days a

year. We have other business to get along with than to arbitrate the library situations in the approved schools of which there are now 130, so this being a matter on which reasonable men might reasonably disagree, the Council took a position, and it was unanimous, and I think it was one on which the law school people on the Council agreed. For 20 years now we have made it the policy to have at least a third of the membership of the Council from the law school world and I think that reasonable men would agree that Dean Ribble of Virginia, Dean Ritchie of Northwestern, Professor Mathews of Ohio State, Dean Strong of Ohio State, Dean Griswold of Harvard and Dean Prosser of California were informed individuals in the law school world at the time this new case came out in February of 1958.

I would be glad to answer any questions, but that is our position. Should anybody here or any group here desire to appear before the Council and argue this matter, we would be quite pleased to put it down as a special order of business, and you will find the Council receptive and inquisitive.

CHAIRMAN BITNER: As I have control of this particular platform at the moment, I wonder if Mr. Hervey would care to comment on a very important point, one which I think is important, one which he and I discussed last December when I asked him to come on this panel, in regard to the matter of inspectors and use of law librarians on inspection teams.

MR. HERVEY: I am very glad that you raised that point, as I respectfully submit that Dr. Ellsworth has a point there.

Bear in mind, however, that law schools are not the only ones that have financial problems arising when you build a new building.

The American Bar Association dedicated a new one in August of 1954, and the Council of the Section of Legal Education has very limited funds. Our funds come from appropriations from the Board of Governors out of the dues.

We have had only one year in the past fourteen years in which the Council has received an appropriation in excess of $30,000 to carry on the work of the section. That must cover everything—my salary, secretary's salary, office supplies, travel expense of the advisers, travel expense of the members of the Council in attending the meetings of the Council and so forth, so we do operate on a limited budget. I respectfully submit that university presidents and administrators have a rightful gripe in complaining that the Council on Legal Education should send in a larger team to make inspections.

I often am a member of the team of one of the six regional accrediting agencies. We will be at Georgetown of the Middle States and at Pittsburgh next fall. We will be in the Northwest at Olympia at the University of Oregon next fall. There will be at least four members there on the team, inspecting the school of engineering, medicine will probably have a dozen men.

Now, the Council has had limited funds. This reinspection program is being carried out at the expense of

the American Bar Association, not saddling the expense on the schools, and we have had to send solo inspectors to many of these schools.

It would be much better if we could send two or three men to an institution. We have on major institutions used a team of three. At times we use a team of two. Most of the time we have the money to send only one, and we have tried to pick the most knowledgeable person who can travel to the institutions at the least expense.

DR. ELLSWORTH: John, since most law librarians have a law degree and are well acquainted with the goings on of the law school, they are members of the faculty, and they are very close to the heart of the teaching process, know the declaration says that, why once in awhile couldn't you send one of these good law librarians as a representative to inspect the school?

It would seem to me to be no more unfair to do that and to have them pass judgments on other aspects of the school than to send a professor who doesn't know about libraries and have him pass judgment on the library.

Why not have the law librarian as the one member once in a while?

MR. HERVEY: I suppose that the answer to that question is that problems in the library area in the law schools have been the lesser problems in the school.

We have had major problems, and our library problems have been over all the minor problems. In other words, we have had less library problems than we have had other types of problems in the schools.

For example, I went in and inspected one law school and found that 19 per cent of the students enrolled in the school had flunked out of other law schools.

Now, that is something that required something more than a law librarian. Also, there are not too many law librarians who would be sufficiently outstanding to be included on a team.

We think that the law librarians in the last fifteen years have come up, and they have risen in stature within the institution and risen in stature nationally. They are on the way up, and they should be on the way up.

We don't think the law librarian's position even within the law school has been recognized for what it should have been fifteen years ago or twenty years ago.

We have been trying to cultivate the deans and cultivate the law faculties and bring them to an appreciation of the library as an integral teaching tool and to use the law library in that area, and not regard the law librarian as someone whose opinion is entitled to no respect, invite him to the faculty meetings but don't pay any attention to what they say, which was happening and did happen fifteen years ago or twenty years ago.

I think we might be able to include some of them in the future if we can find the money for multiple personnel teams. We can send two or three, but most of the time we have to send only one, and that one is somebody of experience. You can't find an instance in the last five years in which we have sent an individual in to inspect a law school who had not had prior experience on inspections either as a mem-

ber of the bank of 23 inspectors who were used on the re-inspections connected with the survey of legal education or as a junior member of a team in some other institution.

We have been trying to bring new men in on these teams. At the University of Washington, for example, we inspected that last year. We sent Bill Prosser of California, and he was joined by Robert Sullivan of Montana. It was the first inspection Robert Sullivan had made.

We inspected the University of Puerto Rico last year. It cost money to inspect Puerto Rico. You can't send two or three men. I didn't even go myself. [Laughter] I sent Bill Prosser of California instead.

On Harvard University we had a bank of three. Two of them were experienced individuals, and if you have looked at the teams of inspectors that have gone around to the various schools, you will observe that where the institution being inspected has contributed a president to the law school association or a chairman to the Council of the Section of Legal Education, we have tried to include a former president of the association or a former chairman of the Council as a member of the inspecting team.

On a big institution like Harvard or New York University we have had to use teams of three, but most of the time we use only one. That is simply because that is all the money we have.

CHAIRMAN BITNER: Are there any questions?

MR. BREUER [New York]: There is a species of homosapiens, and I don't speak of any one particular person or any one particular school, or perhaps all of them, that fit this category, they hire to teach constitutional law, contracts, international law, legal lit, and then they are also asked to take care of the library.

What categories are they? Are they law librarians or law professors or as Dr. Ellsworth said, professor-librarians?

MR. HERVEY: I wouldn't know because the American Bar Association has no requirement which requires a professor of a law school to be an approved law librarian. We have no such requirement in our standards. The law school association does have, but that is not my area.

MR. BREUER: Would Dr. Ellsworth comment on that?

DR. ELLSWORTH: I would say this. Let us not try to make any mystery about this problem. Let's put it this way.

There is a lot that is known about librarianship, particularly in the processing area that takes quite awhile to master, and if you don't know this—and this is why I object, you see, to having a professor evaluating law libraries because he has no way of knowing about this. He doesn't know what to look for.

If one knows this information and has this background, then one is able to do the job better than if one does not have it.

There are a lot of ways of getting it. For instance, when Bill Dix, the librarian at Princeton University, went from the English department to the librarianship, he took a summer off, and took about 45 books to the mountains and read those 45 books. Then on the basis of that, plus a good head

and experience he mastered the information. Other people get it by going to a library school. Others get it in other ways. The way is not the point. With this information you can do what you can't do without it.

As I said, Myron Jacobstein can do more in eight months than anybody was able to do in Colorado in fifty years simply because Myron had this, and the other people didn't have it.

MR. HERVEY: May I make a comment on that. Much depends on the facilities with which the law librarian has to work.

The University of Colorado had a law school building contributed by Senator Penrose of Silver King, built in 1909 with the library on the top floor in which the walls were bulging and out of line, and the law librarian bought a set of 100 books. He had to put 25 on the south side and 25 on the north in order to balance the weight of the building.

When I talked with the president, he expressed surprise that the condition existed and said he would go and take a look. He didn't doubt but what it did exist. But the plant and facilities with which the library had worked in the University of Colorado prior to the new building, I think you would have to admit were highly inadequate.

DR. ELLSWORTH: But that isn't the point. [Laughter]

MR. HERVEY: Well, I think it is a point so far as we are concerned. As far as the law library is concerned, we are interested in what is in it, that is, the scope of the coverage. We are interested in whether those materials are readily available to the faculty and the students when they want them. We are interested in whether they are used and interested in whether it is kept down to date.

I walked into a library this past winter, and the latest—they had the statutes of 36 states, and the latest pocket part I could find in any set except the state in which the school was located was 1957, and yet when I checked the expenditures and checked the accession book, I found that the pocket parts had been received.

I asked the librarian where they were. He said, "I don't know."

Guess where I found them? Stacked over in the corner of the library covered with about an eighth of an inch of dust. That is the sort of thing we are interested in.

Now, whether your plant is adequate or inadequate does make a difference in whether it is used and does make a difference in whether the librarian can continue to make purchases and keep it up to date, and that sort of thing.

MR. JULIUS MARKE: I would like to get down to specifics, and I would like to address this comment to Dr. Ellsworth.

Why do we seek autonomy in law school libraries? I suspect the answer is, that it lies in three areas—the budget, the staff and technical services.

Now, let's first discuss the budget. You know, I am sure you do, Dr. Ellsworth, that in many university library budgets out of necessity the law library budget must be less than the needs of supply in order to satisfy the needs of other areas in the library system.

Now, we recognize the need to take

care of other areas in the library system, but unfortunately, there are many directors of libraries and many librarians in university libraries who do not recognize the economics involved in purchasing materials of a law library. They may note there is a series of four thousand books purchased in one year and maybe six thousand in the law library, six thousand in the social science library, but per item these books are much more expensive and entail much more cost.

Now, unfortunately, when we have to address our request, that is, the law library, to the director of the university library for more money, he must make his appeal to the administration on the whole picture, and we recognize that. Therefore, we feel that we never really have a friend in court when the petition must be addressed to the university administration to consider the book budget of a library. Of course, it is altogether different when the dean of your law school is interested in your book budget.

DR. ELLSWORTH: Supposing he isn't, though. Then what do you do? Miles Price's and similar studies show the dean is probably less interested in the book fund than other people are.

MR. MARKE: This has not been my experience. I will say this. If that obtains, I try to interest the director of libraries to take care of it, but that can be done on a friendly basis. Of course, the librarian cannot go above the dean of the law school. That is, if he wants to remain on that faculty. [Laughter]

But I doubt very much whether there are many deans in this country who would remain deans long if he were not vitally interested in proper growth of his own library.

Certainly the faculty will impress this upon him. I happen to know, based on my own experience, you get men from all over the country coming to New York University. The first thing they do is check our library collection. They want to see what sort of collection we have, and as a matter of fact, some of the men will come to New York University, that is, men being considered for faculty have actually spoken to me about the library, have looked into the area of interest to ascertain whether they are properly represented in the collection.

Now, no dean is going to attempt to run a proper law school without being vitally interested in his own book budget for the library. That is item one.

Item two on the staff. When we discuss the staff of a library I am not discussing now the top man. He is a man for special negotiation at all times. On those occasions the director of libraries would be interested perhaps in paying a little bit more than it pays to the average librarian, head librarian on his campus, for the general library in some other area. When you get into the intermediate members of your staff, I am talking about catalogers, for example, where we need a cataloger who has a background in law, and that doesn't mean exactly that he has knowledge of law through formal education, but has had experience working with law books.

We know how difficult it is to get a cataloger on the same salary scale you people pay to the general cataloger in the university, and yet doggone it, you

will find many directors saying. "This is my salary scale, and we can't go above it." You can't get it, and there you are. You are handicapped. That is item two.

Item three. The acquisition of books, the cataloging classification of law books.

I just can't see any worth-while law library operating a system where the librarian must take directions from someone outside the law library on the sort of book purchased, and you know full well, there are many situations where the university librarian must say: "I am sorry. You can't purchase the book"—where it has had such control.

This is a very difficult situation, when certain books must be acquired for the law library.

On the actual catalog classification of these books it is almost impossible to expect the university librarian, situated in most cases outside his own building, to take care of the very aspect of your problem.

It is true that they sometimes bring them in. I see Miles is shaking his head.

DR. MILES PRICE: Who has better cataloging—Columbia University law library or New York University?

DR. MARKE: Because they have Miles Price at Columbia. The cataloging done on his premises. When you get a situation like that, perhaps you get a happy ending over there, but not too often. There are many university libraries where they expect books to be cataloged in the university cataloging system. All this because we have centralization.

There seems to be something sacrosanct about centralization at times. It doesn't work at all times.

DR. ELLSWORTH: You do have a point on the staff situation. I think one of the faults of many of my colleagues, as director of libraries, is they have been taken in by "personnel."

Now, it isn't always their own fault. Sometimes these systems are embodied university-wide, and they are going to be more and more so whether anybody likes it or not.

I do not like it. I think this is terrible, but this is the temper of the times, and "personnel" have got us by the neck. Even so, when that isn't necessary, I think that there are too many librarians who try to run things this way, and this isn't good.

I would agree where that kind of attitude exists something is wrong, but that is the same problem you run into all around.

Now, on book selection, I can't imagine why any sensible university librarian wouldn't delegate this. I think my friends do. I think you must be talking about places that I have never heard about. I can't see why except in certain areas where there are no university-wide budget problems involved, the law librarians would certainly be allowed to do his own buying.

There are some problems that come up where it is important and necessary. For instance, when the new law building was put in use at Colorado and put about a half mile off the center of the campus, that left the problem of the business law people high and dry. We had a problem of raising several thousand dollars to duplicate the stuff for the business law men. All

these were lawyers, too, you see. You couldn't expect their people to trot out into the country to use the law library.

This was a budget problem. Somebody has to wrestle with it. It doesn't matter whether your law library is autonomous or not. If it isn't autonomous, the director of libraries wrestles with it. If it is autonomous, the problem ends in the lap of the provost or the chief academic officer.

What he usually does is call up the director any way, so it doesn't make an awful lot of difference, so I would say that on all the questions you raise, there are difficulties, quite right, and especially is that true of processing.

I know libraries where they try to centralize that too much. I know libraries where they don't, but what I would like to say is: Let's base everything on the best practice, and not on the poorest practice, and keep our hands off universities, so where they want to do things their own way, they have the freedom to do so, and not have to go trotting off and ask somebody else whether they want autonomy or centralization.

You see, I really do believe in neutrality.

CHAIRMAN BITNER: Any other?

MR. LEON M. LIDDELL [University of Chicago Law Library, Chicago, Illinois]: In response to Dr. Ellsworth's comment, about the University of Chicago law school library, I would like to invite all of you when you are in Chicago to stop, come in, see our new building and form your own judgment.

I think that you are going to form a better judgment than Dr. Ellsworth, but come and see us. You are welcome. We would like to have you there.

MR. FIORDALISI: Assuming that you have as director of libraries, a group or all of them as men of good will who want to see the proper function and the best of all possible for the law libraries and libraries in general. Where the conditions are very, very favorable in terms of relationship and promotion of professional responsibilities of both groups, should not these in some sense be publicized rather than covered over and attention paid to the frictions and the difficult areas?

DR. ELLSWORTH: Yes, I certainly think it should be done. I tried to say that, and I will say it again, that I think we have concentrated and the American Bar Association men themselves have concentrated too much on just one side of the picture. They have not said one word about the situation where it is good, whether it be centralized or autonomous, and I would like to see—and I don't know how to get this except through Bill Selden's organization.

I would like to see the problem studied by neutral people not involved in it one way or the other. In the problem of higher education where law is concerned there doesn't seem to be any mechanism in this situation except through the National Commission of Accrediting for that kind of approach to the problem. I wish we could get it. I think if we had the facts out on the table the situation would be quite different from what it appears to be today, but we don't have the facts out on the table. I think we ought to publicize all of them if we can, and here is where I would like

Bill to say something if he would.

DR. SELDEN: You force my hand because I had hoped to defer making any comments until others in the room had had an opportunity to speak, but I will now add just a couple of comments replying to Dr. Ellsworth.

First of all, I must confess great sympathy with many of the problems the Council of Legal Education faces. This is a comment upon the development of higher education in the United States.

We have had a proliferation of institutions with tremendous decentralization based upon our constitutional principles. We have had educational institutions created, some of which are very definitely inadequate, if not extremely shoddy, and unfortunately, at least a few of them have maintained or at least attempted to maintain schools of law which are inadequate.

This is a real concern of the American Bar Association and should be, but in facing these issues in the case of the library it is our contention that the Council of Legal Education has gone contrary to good educational practice by specifying in a semi-dictatorial manner.

I am somewhat embarrassed and have been in speaking because I have wished to retain, and I think I have had a position of acceptance with the Council of Legal Education, a position of acceptance with your representatives and a position of acceptance with the university administrators so that those of us who are working in this capacity could be good negotiators in whom others could place reliance. Therefore, I have wanted to be careful in what I said, but let me go this far in a very definite spirit of friendliness to comment that the Council of Legal Education facing these really difficult problems has because of its somewhat isolated position from others in university education really considered itself as a police arm. You may have noticed that this word "policing" has been brought out several times this afternoon whereby the Council of Legal Education by implication is forcing and stated such and such practices must be followed. Whereas, generally in accreditation the policing function which exists there has been one in recent years more of implication than by fact. Good accreditation under present conditions is based largely upon influence to force those on campuses to develop for themselves the best practices to attain good education, and in this case legal education.

Now, having said this I hope that you will appreciate the position in which we are trying to operate in the National Commission on Accrediting of little or no publicity in this in order to retain a position of confidence and at the same time use judgment ourselves.

MR. HERVEY: May I make a comment. I would like to observe that the American Bar Association never considered itself to be an accrediting agency.

We didn't know we were so regarded until the name appeared in the list as an accrediting agency of the National Commission.

DR. SELDEN: What is it? If you inspect, you exert police force. You list institutions. This is accreditation.

MR. HERVEY: As you define it. [Laughter]

Will you please note what I said. Will you please note what I said, that the American Bar Association never regarded itself as an accrediting agency or called itself an accrediting agency in any of its literature. There is nothing that requires any law school in America to be on the list of approved law schools of the American Bar Association.

We have never asked any school to apply for approval by the American Bar Association. Everybody who is on our list is on there because they voluntarily have asked to be placed on the list. And they asked to be placed on the list to know if they conform to the standards set by the policy forming division of the American Bar Association of the House of Delegates.

DR. SELDEN: That applies to all the accrediting agencies, John.

MR. HERVEY: It may well be it does. I don't know.

Does it apply to Middle States or North Central?

DR. SELDEN: Of course. If you read our statement of criteria which I assumed you had read.

MR. HERVEY: I have read it many times, but the language is very general. [Laughter]

If there is any law school that doesn't like our requirement on library, for example, why don't you come and sit down with us, and let us know exactly what the facts are at your institution? Many times these matters turn on personalities.

I have operated under both systems. When I was the dean at Temple University the law library was autonomous. At the University of Oklahoma it was under the general library.

The general librarian came over the first week I arrived. He said, "You know, the library on the third floor is a part of my operation."

I said, "I understand it is. What does that involve?"

He said, "Two things. Your money for book purchases is my budget. Let me know how much you want each year, and it will go in at the amount you ask for, and it will not be reduced without consultation with you."

He said, "At the end of the year will you please let us know what it has been spent for? Beyond that I don't want to be bothered with it. I don't know anything about it. And you go ahead and run it. You hire the people that you want to work up there," and so forth and so forth.

So we had no trouble.

DR. SELDEN: John, the Council on Medical Education does not tell a medical school that it has to be accredited, but by Joe, you find any graduate of a medical school that is not accredited licensed to practice in many states and you are lucky.

It is the same way. A law school isn't told by the American Bar Association it has to be accredited, but some courts in some states require that those who are admitted to the Bar be graduates of listed institutions by the American Bar Association.

This is accreditation. Whether you say you are accrediting or not, this is the definition of accreditation, and I would suggest we don't quibble on that.

MR. HERVEY: The matter at which we have been for a long time—and

there are, I believe, 34 schools operating today without American Bar Association approval.

DR. ELLSWORTH: Name one good one.

DR. SELDEN: Don't ask him a question like that. He doesn't want to specify.

I would say, John, you know I am very sympathetic with your problem. Some of these schools should be closed, and this is a tough thing to do. They just shouldn't be operating as law schools because they are not adequate institutions. I am not saying all, but some of them.

MR. HERVEY: The great majority of them are submarginal, proprietary, substandard operations that ought to be put out of business, and yet there is nothing we could do. There is nothing we have been able to do about it, and yet I will give you one specific.

All of the schools have a common pattern. They are organized by somebody who had influence and could get them accredited with the Board of Bar Examiners in the State Supreme Court.

You take the Northwestern Law School in Portland, Oregon which is operated by Judge Gattenbaum, and founded by Judge Gattenbaum. That shop has two and a half times as many students enrolled as the other two law schools combined. It has two and a half times as many students, and that has been true for years.

The lawyers feel that the students who go there get an inadequate legal education. They may get an education that will qualify them to replevin a TV set in a JP court day after tomorrow, but they don't get an education that will equip them to practice law 25 or 35 years from now.

DR. ELLSWORTH: John, could I ask you a question. If the Association of Law Librarians, if that is the technical correct term, should come up with a statement of desirable goals for performance and a statement recommending neutrality in terms of controversial mechanisms, would the section take this and substitute it for the existing statement?

MR. HERVEY: As Dr. Selden knows, we have been looking for two years now, I believe, for a possible substitute word for "autonomy." Autonomy is a nasty word. It is a dirty word. The moment a university president sees it in print—and they are sensitive, irritable souls by and large—they have an adverse reaction.

Am I right, Bill? They are on the defense.

We don't like the word "autonomy" any better than the National Commission on Accrediting like autonomy. We would prefer a substitute word, and if any of you have any ideas on it, yes, we would be delighted to have them, and you will find that they will be given full consideration.

We are amenable to change in language so long as we can come out with a language which will express the desired goal.

DR. ELLSWORTH: Would you be willing to go so far as to officially invite this organization?

MR. HERVEY: I have no authority to invite anybody.

DR. ELLSWORTH: You would have authority to advise them to invite.

MR. ERVIN H. POLLACK [College of Law, Library, Ohio State University,

Columbus, Ohio]: Mr. Chairman, I think I ought to inform Mr. Ellsworth that law librarians were involved in the preparation of this specific statement.

DR. ELLSWORTH: I knew that.

MR. HERVEY: I didn't.

MR. POLLACK: They were consulted, and it was not an isolated job on the part of these three individuals whom we respect as great legal scholars.

The sensitivity which this particular resolution reflects is based on some very serious problems—problems which we might emphasize in the area of administration, in the area of budget, in the entire area of law librarian operations.

I suggest this, Dr. Ellsworth, that first of all you check more intensively into the so-called exhaustive surveys of law libraries made by some of the superior university librarians in the United States.

I was called on just a matter of about a year and a half ago by a university professor to examine the survey made by one of the outstanding university librarians of one of our Midwestern law school libraries. It reflected a very modest program, a program so modest that in my opinion and in the opinion of the dean an adequate job could not be done, so the dean asked me to look at it.

The president of the university asked me to look at it. I was invited to go to the school, and I spent a week there. We raised the budget by $50,000 over what this university librarian had asked.

This is just typical of the problems which actually exist.

You have stated this, that some university librarians do not have the capacity which this efficient librarian has or yours. It is evident that we need better university librarians, and until we get individuals in those strong administrative posts who are dedicated to legal education in the same fashion that law deans are dedicated to legal education, you are going to get this difference of opinion, and you will have it among the law librarians.

I venture to say that most of the people here would be in sympathy with the remarks that I am making now, and they are sincere, dedicated individuals and individuals who are not concerned with language.

We don't care whether you use the word "autonomous" or not, but since we came to this city I have known of one instance—I know of several instances that have reflected conduct. One institution where autonomy developed just recently, the budget was increased by $25,000. Another institution which is centralized cannot classify their books—they cannot change the classification of their books because they are using the Dewey Decimal System insisted upon by the university librarian. This is one of the leading university librarians in the United States.

These are just some of the problems, and until you can resolve these particular problems, I do not think you can think too harshly of a resolution which is attempting to improve legal education.

MR. HERVEY: To answer the question, yes, I am sure you would find the Council receptive to a suggestion that came from the law librarian members of this association.

Your question related to the total members of this association. I think the law school librarian members of the association would be the ones most conversant with the problem just as the presidents of the universities which have law schools are in a better position than the other thousand university presidents that don't have any law schools to worry about and know nothing about the problems by virtue of having to face them on their campus.

DR. SELDEN: Could I ask a question. This indicates my lack of knowledge of your individual problems, and maybe it is premature and probably undiplomatic, but generally speaking, how do the law librarians feel, not about the requirement, but about the preference theoretically of the position of law librarian reporting to the dean of the school of law or reporting to the director of university libraries?

[Cries of "Oh, oh, oh."]

CHAIRMAN BITNER: Who wants to say something?

MR. POLLACK: May I suggest you ask Helen Hargrave to summarize the report of the number of schools that are actually autonomous and what their particular reactions are to that. Miss Hargrave has that information.

CHAIRMAN BITNER: All right, Helen.

MISS HELEN HARGRAVE [University of Texas, Austin, Texas]: I am sorry, but my memory is not good enough to make a summary of that kind without my notes, but I think it would be of interest to the members of the panel who have just come to know that the Policy Committee of our association is studying and working on qualitative standards for law libraries, and that this is being done not only because our association wished to have it done, but with the full approval of the president-elect of the Association of American Law Schools, and the president-elect has asked that our association standards as we draw them up shall be presented to the Association of American Law Schools at the same time as the revised standards drawn up by its committee.

DR. ELLSWORTH: May I answer your question by reminding you what my position was and is and will be. I said neutrality, and I meant neutrality. I meant also, I think, everybody would be better off if all of us would concentrate on developing statements of desirable goals, and then leave it up to each university to set its pattern as it wishes to without having to consult the American Bar Association or anybody else in terms of procedure.

Again I say my position is one of neutrality. I do not want and would not like to see either position be an official position. Leave it up to each university to get where it wants to be in its own way, but let us have good statements of goals which we have not got, which you have not come forward with up to this point.

DR. SELDEN: I am inferring the law librarians—and I would have assumed this—in most cases would prefer to report directly to the dean of the law school and be an intimate part of the law school. Now, I asked this question in order to clarify the position of the National Commission on Accrediting.

It is not to oppose such arrangements, but to oppose a statement that this must be almost—there are exceptions in here, but almost uniform in

all law schools. This is our contention.

MR. POLLACK: I was going to suggest a re-reading of the statement which you did amplify there at that moment, and it is this. There is nothing in the statement which requires any specific procedure. It is not mandatory, but a school may continue at its own volition along the lines of a centralized system if it so desires.

DR. ELLSWORTH: No, the statement says, and it reads, . . . "to assure maximum contribution to this process it should be administered by the law school as an autonomous unit free of outside control. Exceptions are permissible only where there is a preponderence of affirmative evidence."

That is what I meant before when I said that this reverses the traditional position that you are guilty until proved innocent.

DR. SELDEN: You see, in this connection—and we are blowing this thing, this issue out of perspective. As Dr. Hervey indicated, it is partially blown out of perspective by what I would say is the injudicious use of the word "autonomy."

Now, to a law librarian who wishes to be autonomous from the director of university libraries, the word "autonomy," to him connotes just what he means, but when this comes, as it did, to the desks of the presidents of universities, generally they resent being told that they had to be an autonomous unit.

MR. POLLACK: They are also told that each law professor must have a private room. They are also told how many hours———

DR. SELDEN: Excuse me. You miss the point.

MR. POLLACK: How many hours the professor may teach.

DR. SELDEN: You miss the point.

MR. POLLACK: Maybe I see it.

DR. SELDEN: No, you miss the point. The use of the word "autonomy," you cannot have any unit of an university autonomous.

MR. POLLACK: It is a question of interpretation.

DR. SELDEN: This is true, and I am interpreting the word technically.

MR. POLLACK: Yes, the word "organized" was used, and there was a problem of interpretation of the word "organized." Here you have the same thing. You have a question of interpretation, and the interpretation of the word is geared to the position taken by the American Bar Association.

DR. SELDEN: This is true.

MR. POLLACK: I don't see there is a problem there at all.

DR. SELDEN: There is. I can see you don't. [Laughter]

MR. HERVEY: You may recall that one of the first statutes in the minimum wage field passed by Congress provided that the Secretary of Labor, Madam Perkins, should fix the minimum wage for each locality in the United States, and she divided the 48 states into six localities. [Laughter] And the United States Supreme Court affirmed it.

MR. SIDNEY B. HILL [Philadelphia, Pennsylvania]: I just wondered if any distinguished members of the panel ever sat in on a meeting of the Joint Committee on Education for Librarianship and the representatives of the 17 national library associations.

DR. ELLSWORTH: Are you talking about the Council?

MR. HILL: The Joint Committee on Education for Librarianship.

DR. ELLSWORTH: I haven't sat in on it. I have read the results of their work. I know in general what they are doing.

MR. HILL: If all the committees and representatives of the 17 different national library associations discussed this problem, which affects them all, I think it would be helpful.

DR. ELLSWORTH: May I ask Mr. Pollack a question. I will put this in theory now. I know, and you know, too, that for a middle sized university it takes at least an annual expenditure of somewhere between $26,000 and $36,000 a year to buy the basic things that a law school requires. We would all agree that is so. There are a lot that spend a lot less than that, but I know, and I think you know, that is what you really have to spend to buy the things that you ought to have.

What do you do, and how could the procedure be handled in an university, let us say, where the recommendation is made that that is what you have to have for the law school library?

The question should be answered in terms of what a director of libraries would do, and what would be done in another system.

If it were done by the director of libraries, he would have to scratch his head and say, "I have got a book fund this year say of $150,000," and he would look at all the facts he could get, including Mr. Hervey's compilation each year, and he would say. "Sure, that is what we ought to do, but in light of the needs of the other areas which are legitimate also, we can't go that high this year." That is what he would do.

Supposing the law librarian goes to the dean and says, "We have to have $26,000 this year." What does this dean do then?

He goes to the provost and says, "We have got to have $26,000 this year," and the provost would say—what will he say? He would have to consult somebody and figure out whether the money were available.

This would not be a problem left to the dean of the law school at all. He would have to get his money from the central administration so it all comes back to the same place.

It is just a matter of the machinery that is used to arbitrate, and you cannot act as though the act of arbitration does not have to be done in the university by somebody because it does have to be done by somebody.

The money isn't sitting there in the sky. Somebody has to say that money is there or isn't there and get it down, and it doesn't make a heck of a lot of difference in some cases—not in all cases, though—as to the machinery that is used. There is always arbitration that is being done.

MR. POLLACK: I would like to answer that question.

MR. HILL: I would go further than that. Then he has to go out on the outside and raise the money.

MR. POLLACK: I can answer it by telling a story, and using Columbia University as an example.

Underhill Moore told me this story about Frederick Hicks and him going into the office of Nicholas Murray Butler, President of Columbia University, one day for money in connection with a special item they wanted

to purchase. They asked for this money, and Nicholas Murray Butler opened his big ledger, sat in front of the desk, looked out at both Hicks and Underhill Moore and he flipped the pages and finally he stopped. He looked up at Hicks. He said, "I believe in feeding the strong." He gave him the money.

The answer is, if you have effective leadership, if you have dedicated leadership, they will get the money from the president of the university.

MR. MARKE: It's the friend of the court in a lot of cases.

MR. FIORDALISI: It is your position that the word autonomy is a nasty word, and that essentially high level abstraction is charged with emotional feelings, and that when it is read by university presidents they automatically rear up and say, "We won't do it," and if so, would we be amiss, shall we say, in operating at a lower level of abstraction and using possibly descriptive words that would spell out substantially the same meaning of autonomy?

DR. SELDEN: I am in a little bit ambiguous position. Not only do I represent obviously the National Commission on Accrediting, but I also have personal views.

To answer your question, I will speak for myself.

I think this regulation frankly is trying to face a real issue, but in so doing it has done two things. One, the regulation has been written or the interpretation, whichever you wish to call it, has been written with insufficient recognition of diplomacy. Secondly, by making it, even though there is an exception, but by making it appear as though this is mandatory, it is somewhat going against the general trend in accreditation of encouraging institutions to want to do the right thing and not with a gun being told. "You have to do it, and we are dictating to you."

These are the two factors. The second in the minds of many presidents is accentuated because of the expression of the words used.

Does this answer your question?

MR. MARKE: Yet we must recognize that this was the only way we got action.

It was only when the American Bar Association made that statement and made it directly and forcefully that we got the results we wanted. That is enough. [Laughter]

DR. SELDEN: I don't want to hold you up, but I have to philosophize a little bit. This has a connotation of serious import in our university education. I am ever so much more sensitive to it as a result of my visits to universities in Western Europe and Russia and Poland. With the increase in population, with the increase in educational enrollments, with the intensity of many issues that we are facing, we must keep a balance in our judgment between institutional integrity, autonomy and responsibility —and the necessity for influence from national organizations such as yours, such as the American Bar Association, all of which have a legitimate and constructive place.

But when we face an issue, we must give real thought to the enforcement, the adoption of a regulation to face an immediate issue, and we may by regulations of this type be arrogating to

ourselves and our national organizations sometimes more than we should.

Now, this I have to mention in a philosophical way, recognizing very sympathetically the problems that you face in your individual administrative operations. To have others in your institutions see your problems is sometimes difficult. But sometimes you must collectively exert a force in order to bring attention to the problem. The creation of the National Commission on Accrediting is an example itself of this very fact.

MR. HERVEY: Might I make one comment, and I would ask all to remember that the major portion of the time of the Council of Legal Education is given over to the marginal schools.

Neither the members of the Council nor the adviser have had the experience that they would have had, had more funds been available to visit and linger at the better law schools in the United States, but when you pick low cotton, it may be that you tend to get stooped, as one of the deans said one time, and we could have live spots and we could be wrong, but we are not forced to feel they are wrong.

MR. FIORDALISI: I started to say I very much appreciate Dr. Selden's remarks. I think maybe he is pointing out that possibly we here may have made a mistake in tactics, and we should have been more persuasive rather than following the customary law tactics which are not always looked upon favorably of getting directly to the point where negotiations have not been very successful. We go directly to the point, and they lay it out on the table.

MR. HERVEY: That is exactly what the National Commission on Accrediting did when they directed the American Bar Association by a fixed date to cease approving law schools.

DR. SELDEN: Let me add. This is true, and I have been in the most uncomfortable position frankly of coming to a position after there was this tremendous ruckus.

DR. ELLSWORTH: May I ask one question, although I don't know it is a question, but let me state this. This situation comes back to the dilemma that pressure for funds goes on the presidents, and the more you talk, you see, the more the problem becomes one that centers there.

There are two things that ought to be recognized. The position of the private university is quite different from that of the state supported, tax supported universities in this respect. The president has got law schools and medical schools and all the other schools on his hand and has to do some arbitrating as to where this money goes, and that problem cannot be ignored.

Certainly it isn't ignored, and the machinery used for giving the president his facts ought to be the machinery that is most adequate for all parts of the university. Organizations shouldn't, therefore, get tied down in any way because there should be more than one way of getting that job done; but let us not forget the central administration has to dish out the money.

It isn't dished out by a librarian.

CHAIRMAN BITNER: Miles, can I get even with you today? You don't have to. I won't insist.

DR. MILES PRICE: Well, I made up my mind that I would keep my big trap shut, but there have been so many statements made here today, so many arguments which, like most of the arguments which I have heard advanced, will not stand up under analysis, that I can't resist saying something.

To my very good friend, Erv, I would say he used the most unfortunate example because Columbia Library is and always has been an integrated library, and getting that first appropriation from President Butler was a perfect example of how we operate and how any other school can operate when there is cooperation between the library and the law school. So you proved exactly what I have been trying to say all along, Erv.

As to your question about what the librarians prefer, I can't give you that precisely, but Minnette Massey of the University of Miami Law Library some time ago wrote a Master's essay in which she demonstrated that almost unanimously, what one librarian said wouldn't make any difference. The law school libraries preferred to be under autonomous regulations, but that, like a lot of other things, needs a certain amount of explanation. She was discussing status and salaries, too. We are all status seekers, and the school librarians almost unanimously believe that they have better status if they are under the dean and not under the director.

That is not necessarily true. One of our outstanding law librarians who is under an autonomous library by definition, but because of Southern chivalry has been refused that status, and a good many others who are under an integrated administration have it.

To get back to the subject, I am going to ask a question. I am going to address the questions to Dr. Hervey. He and I are on somewhat opposite sides of the fence. To illustrate precisely my contention that organization is not as important as personalities, he is a Methodist. I am a Methodist. He believes one thing. I believe another thing, so there you are.

Dr. Hervey's entire catalog of horrible examples was leading up to the necessity for the reason for this—I will call it—Hervey letter.

I will ask Dr. Hervey in the interest of all fairness (a) were all of those examples integrated libraries? (b) Did he find in this survey any horrible examples in other kinds of libraries, in autonomous libraries? I ask this for the same reason that I can demonstrate the Fornoff report and some others are fallacious in so many instances through lack of proper interpretation, lack of substantiation. They were accepted as personal opinion of the people that wrote them.

I have had correspondence with Dean Fornoff. He said he didn't have time to do the things I said he should have done. He admitted there were a good many of them he should have done.

Now, about inspection. Columbia was inspected by a group of deans, all good friends of mine. They are wonderful people. By the way, you read the names of the Council. There wasn't a one of those law school deans from an integrated library. It was a loaded committee. You know that as well as I do.

Furthermore, this inspection team that came to Columbia were all from autonomous libraries. What did they do? They came in to my library. We had a very affable and pleasant conversation. They went back and said, "Columbia"—they get more now, but they said, "Columbia gets only $52,000 a year to buy books. That is insufficient." How in God's name? How many of you people get more than that?

They also said the library was well run, but that was because Miles Price was there. That was very complimentary to me, but it was the same kind of a loaded opinion, the same kind of a statement that is all too common. What I am getting at is this whole thing has been loaded.

If you were going to get a labor arbitration committee you wouldn't put three union people on it, or you wouldn't put three manufacturers on it. You try to split it, but all of these committees that you have talked about have been loaded to the gills. [Laughter]

In this statement which you will send, which you are sending out to libraries, to ask about whether they have this or that, do you ask the libraries in the autonomous group the same questions? Do you put them to the same vigorous test that you do the integrated libraries?

Providing librarians as inspectors to the library is very important.

Forty per cent of the entire cost of our new building on the tax base is dedicated to the library. If I may state, we are an integrated library. As compared to another recently built law library, law school which is autonomous, we have provided dignified, efficient space for our staff, and not down in the basement here and not down in the basement there where a dog shouldn't work.

MR. HERVEY: I don't know whether I can answer his question to his satisfaction or not. I think I can do it in thirty seconds.

So far as the test and the questions asked in the library area, they are the same questions asked in every inspection, unless an answer to a question discloses some matters that further inquiry should be made.

So far as inspections are concerned, the personnel of the team, we try never to send to a school an inspector who is persona non grata to the institution.

MR. PRICE: These were not.

MR. HERVEY: They were not. One man was asked to inspect Columbia. He asked me not to go. He said, "I don't think I ought to."

In some instances deans have said, when the list was sent, "This individual is not acceptable." They ask somebody else.

I decline to inspect schools personally because I didn't want to be charged with having prejudged the institution before I got there.

We were not aware of any library problems at Columbia. Otherwise, there would have been somebody more familiar with the library area. As I recall, Dean Ribble headed the team that came to Columbia.

MR. PRICE: It was entirely a friendly affair.

MR. HERVEY: We were not aware of any library problems, and where we are aware of a particular type prob-

lem in an institution, we do send a man in that area.

I could think of one school inspected during the past year in which we sent a team of three inspectors to a state related law school. A law school dean, a law school teacher and a practitioner simply because there were peculiar problems in three areas that we thought those were the three best men qualified.

Does that cover all facets of your question?

MR. PRICE: Well, not quite but—

CHAIRMAN BITNER: Due to the lateness of the hour, and the very important function coming up tonight, I think we had better conclude at this point.

I hope that the Policy Committee has learned a great deal from all this discussion, and I think we are all deeply indebted to these three gentlemen for all that they have told us today, and the things they have imparted to us.

The meeting stands adjourned.

[The meeting recessed at five-thirty o'clock.]

ANNUAL BANQUET

Wednesday Evening,
June 29th.

The Annual Banquet session convened at nine o'clock in the Hall of States of the Hotel Leamington. Miss Frances Farmer, President, presiding. Mrs. Marian G. Gallagher, Toastmistress, introduced the guests at the head table. Seated there were Dean John Hervey of the American Bar Association, Dr. Ralph Ellsworth, Director of Libraries at the University of Colorado, Hon. Frank Gallagher, Minnesota Supreme Court, Dean and Mrs. William Lockhart of the University of Minnesota School of Law, Dean and Mrs. Stephen Curtis of the William Mitchell College of Law, President-Elect Helen Snook, President-Elect-Elect Elizabeth Finley, Mr. and Mrs. William Hibbit of the Carswell Co., Ltd. After some entertainment, the Toastmistress introduced Mr. Wayne Davies, Mr. Hobart Yates of the West Publishing Company, and Mr. and Mrs. Lee H. Slater, President of the Company. Mr. Lee H. Slater, in turn, introduced Chief Judge Charles S. Desmond, who addressed the convention on "The State of Law in the Year 2000." After the banquet, their was a short movie followed by more entertainment.

THURSDAY MORNING SESSION

June 30, 1960

The second general session convened in the Iowa/Wisconsin Room with Miss Frances Farmer, President, presiding.

PRESIDENT FARMER: Will the meeting please come to order.

MRS. MARIAN G. GALLAGHER [University of Washington Law Library, Seattle, Wash.]: I have been requested by the Committee on the Law Library Journal to present a motion for your adoption. We should like to be able to announce at this time the personnel who will guide this activity next year, but since the Board still has to act, I cannot do this. I should like to tell you that Editor Lois Peterson for the

Lack of space prevents publication here. His address will be printed in a forthcoming issue—Ed.

past two years and Assistant Editor Albert Matkov who has assisted her and Dan Henke, the Advertising Manager, all finished their terms, have all resigned as of the August issue, which is now in the press.

The Law Library Journal Committee have authorized me to move that the Association express thanks to these people for the fine work they have done in connection with the "Law Library Journal."

I move the adoption of this resolution of thanks.

MR. JULIUS MARKE: I second the motion.

PRESIDENT FARMER: All in favor please make it known by saying "aye;" opposed "no." It is so ordered.

Kurt Schwerin would like to make an announcement about the Committee on Foreign Law.

MR. KURT SCHWERIN: The Committee on Foreign Law met on Sunday, June 26.

Because of inquiries for foreign legal periodicals that have started after publication of No. 1 of the new "Index to Foreign Periodicals" the committee, in agreement with the Committee on Foreign Law Indexing, will compile a Union List of the periodicals which are included in the Index. This Union List will give the holdings in the largest collections of foreign law on the basis of replies to the questionnaire sent out by the Foreign Law Committee earlier in the year.

As indicated in its report, the committee will also continue its preliminary investigation with regard to a projected *Index to Legal Festschriften* and will consider in its study not only *Festschriften* in their proper sense, but also general collections of legal essays and single volumes containing transactions of Congresses and other scholarly meetings.

PRESIDENT FARMER: The Executive Board recommends two additional names to the membership for life membership in the Association. The two names recommended by the Board are Mrs. Grace L. M. Gainley of the Hampden County Law Library, Springfield, Mass., and Mrs. Laura Wilson of the Fall River Law Library, Fall River, Mass. Do I hear a motion?

MISS DORIS FENNEBERG: I so move.

MR. ERNEST H. BREUER: I second the motion.

PRESIDENT FARMER: All in favor please make it known by saying "aye;" opposed. [Carried]

I believe this concludes the announcements and all other business at this time, and now we are ready to hear from the Policy Committee, the subcommittee headed by Miss Elizabeth Finley.

MISS ELIZABETH FINLEY: I will come up here so I have something to lean on.

That was a misnomer. The subcommittee was not headed by Elizabeth Finley. It was headed by Helen Snook, but I was the one elected to present it to you. I trust everybody has by now read the report on certification but just to refresh your memory, I would like to read the opening section of it so we will know we are all talking about the same thing.

After studying the MLA certification plan and the SLA membership standards plan, we have come to the conclusion that a modified certification plan would best suit our Associa-

tion. A detailed discussion of both plans is attached, but here briefly are our conclusions.

The virtue of certification is that it is not compulsory. Those members who wish to be certified would have to apply to a Certification Committee. If they met the standards set forth, they would be granted a certificate.

There would be no necessity for changing our present membership rules. Non-librarian members would automatically be ineligible for certification.

Membership standards on the other hand are compulsory. A plan similar to SLA's would cause a great upheaval in our present classes of membership. Such a plan would probably create a great deal of ill will, and would require constant policing to be effective.

As for the prestige angle, it is likely that prospective employers would be more impressed by "I am certified by AALL" than "I am an active member of AALL." Law school deans might understand the significance of "active member," but the average lawyer's reaction would probably be "so what?" "Certified," however, is a word that means something in itself.

Suggested Certification Plan

> "Grandfather Clause. (1) All members of AALL who have had five years professional experience in a law library, would upon application, automatically be granted a 'Charter Certificate.' (2) On a date five years from the adoption of the plan, charter certification would be closed.
>
> Thereafter new members would have to qualify for a Grade I, II or III Certificate if they wish to be certified."

Now in view of the many factors that enter into the law librarianship field, the committee has suggested a point count system rather than trying to enumerate and correlate all the possible assets a person could have.

We set forth a suggested point count system. This point count system is maybe not the best. It seemed that you would not have to repeat yourself so often. It is only suggested. The weight given to the various points is subject to further consideration by more intellectual people than your subcommittee. The entire system can be changed. This part of the report, the suggested point count system, is subject to revision and enlargement and improvement. It does not have to affect anyone at the moment.

The grandfather clause would take care of all—the only requirement under the grandfather certificate is that you have five years' professional experience, and if you joined the Association on the day this is adopted, you still have five years to come in under the grandfather clause.

In effect, that gives us five years to perfect this point count system, to establish courses that have been recommended by one of the committee members, and yet we need not necessarily put off the start of the plan under the grandfather clause. Our feeling is that if we are going to finally get to the point where we admit professionally we must have some standards, and if the membership agrees that certification is preferable to membership standards, that we could get the show on the road by adopting this committee report, leaving it to further study to perfect the grades under the grandfather clause. You just have a grand-

father certificate. Those who apply for that and want it get that. After the perfected point count or the grade system is set up, of course, they could, also apply for the grade to which they were equipped.

Mr. Parliamentarian, what do we do next? The normal procedure in submitting a committee report is, I think, to say that the committee report be adopted. If this report is adopted, I have asked several of our constitutional authorities. If it is adopted that means that the board is empowered to appoint a certification committee and that it is, in effect. You cannot just adopt and consider it filed. We are then open to applying for certification as soon as we can get the wheel rolling.

MR. JULIUS MARKE: I move the adoption of the report.

MR. BREUER: I second the motion.

PRESIDENT FARMER: Is there any discussion?

Many people want to ask questions.

MISS ELEANORE BLUE [Greenwood Law Library, Washburn, University of Topeka, Topeka, Kans.]: I am not clear from what you said. Would you take five years to perfect the grade point, did you say, or would the committee begin immediately?

MISS FINLEY: No, it will not begin immediately, but we will have a period of five years in which to perfect it because the grandfather clause would not go out until then. I would hope we could get it perfected earlier, but at least knowing after we scatter to the various corners of the continent, that it is a little difficult to move quite so fast as we can when we are together, but anybody could be certified up to five years, and the other will work when we can get it done.

DR. WERNER B. ELLINGER [Library of Congress, Washington, D. C.]: I only wanted to ask for information on a point which I may have missed. Do I understand that during the five years that various grades of certification are intended to be developed? In other words, it would not be a question of being certified or uncertified, but also grades within certification.

MISS FINLEY: That is right, Mr. Ellinger. In effect, there would be those who chose to be certified at the moment who met the five years' professional experience would be certified under what would be called a grandfather certificate. As soon as we can settle, the Policy Committee and the Board can agree on an equitable division of the points that make up grades. And as soon as that is set, anyone with or without the charter certificate may apply for a grade certificate as well, in addition.

If we adopt the report now, all it means is that we are committed to certification under the grandfather clause and committed to working out and perfecting a system for grades.

PRESIDENT FARMER: And the 5-year period would start running now?

MISS FINLEY: That is right, on the adoption of the report.

MRS. PRISCILLA L. RIDER [University of Southern California Law Library, Los Angeles, Calif.]: I would like to know the advantage of certification over a set of advisory standards that would be issued by the Association. What would be the difference in the effect on both the members and the library profession?

MISS FINLEY: Well, I don't know there is too much difference in the end result, except that it seems simpler to say that you are certified if employers become aware of it and want to know, instead of saying, "I have met the advisory standards."

Yes, as Frances says, it means also we are more definite in our standards than just advising, although you don't have to apply for a certificate if you don't want to.

MR. FORREST S. DRUMMOND [Librarian, Los Angeles County Law Library, Los Angeles, Calif.]: I may have misunderstood Mr. Ellinger's question, but I thought that he asked when certification came into effect would you have more than one class of certificate. If he didn't ask that, I would like to ask that, or didn't you mean you are just going to get a certificate which says you are a qualified librarian or grade?

MISS FINLEY: At the moment, all you would get is a so-called grandfather certificate which says only that you have five years' professional experience, and we are planning grades 1, 2, and 3 and we suggested qualifications to provide for that. There have been some suggestions that would make our qualifications a little bit more extensive for these grades, and that is what I think we should work on because there have been ideas presented that probably are an improvement over what we presented. At the moment all you would have would be a certificate that shows that we consider you a qualified law librarian. As soon as we get this jelled as to what we figure is the most perfect setup, you can then apply for whichever grade of qualification that the point count system that we set up fits you.

MRS. RIDER: I can't imagine that certification would in any way affect anyone favorably, that is, a member, in getting employment because I can't feature anyone who cared about standards at all hiring anyone without examining their record. On the other hand, I think that a set of advisory standards publicized among prospective employers would be more diplomatic and would also be just as influential in making their decision.

MISS FINLEY: Would some member of the Policy Committee like to speak to that point?

DR. MILES PRICE [Columbia University Law Library, New York, N. Y.]: I promised Bob Roalfe I would keep my trap shut this morning, but I will merely reiterate what Dean Lockhart said the other day. One, that certification means that your credentials have been examined by an authorized committee of the Association and found satisfactory. It doesn't merely mean you have subscribed to a set of standards set up by the association. It means that the Association has looked you over and said you are all right. It is an affirmative, positive action on the part of the certifying body.

Now Dean Lockhart the other day also said that it was his opinion that in the law school group which is almost half of our Association, that certification among other things would be helpful as an evidence that you had certain qualifications. Certification would be, according to Dean Lockhart, an objective standard. One objective standard, not the whole thing. It would not be a subjective

standard. You would still be subject to interviews, to see whether your employer liked you and so forth and so on. Does that in any way answer your question?

MRS. RIDER: Well, it really doesn't because I think that it is arbitrary to try—I think that once you have certificates you are going to be in a position of trying to practically dictate the standards for librarians, and I think that would be considered presumptuous.

MR. PRICE: It is done in every profession. The medical librarians have done it for ten years. It is done by every profession so recognized that they do establish certain standards. It certainly is not dictating. It is setting up standards which if you want to subject yourself to them, you may. If you don't care to apply for certification, you don't need to. You are still just exactly as much a member of the Association in good standing as you ever were. Nobody is going to be downgraded in any way.

The experience in the Medical Library Association over ten years is that 40 per cent of the new members coming in do apply for and get certification. The experience of the Medical Library Association also is that so far it does not drive away membership. The membership has increased 63 per cent during the 10-year period of certification. It has also been made a factor in various employing agencies, particularly, civil service. It has also resulted in, I think, six or seven library schools offering qualifying courses. In other words, according to Tom Flemming, who is the former president of the Medical Library Association, the thing has resulted in definite good to the membership, definite increase in prestige, and certainly it has hurt nobody.

As far as the dictating is concerned, I wouldn't call it by such a crude word as that. I would call it establishing standards which has been done by every recognized profession in some way or other.

Now Bob, with all due apologies, I am going to surrender the floor to you.

MR. WILLIAM R. ROALFE [Northwestern University Law Library, Chicago, Ill.]: First, I should say that I think Miles slightly exaggerated. He didn't make a commitment to me, but because of the fact that he has made that statement publicly, and some of you may believe it, let me say that I hope that when certification goes into effect it won't be held against me that I had no influence on Miles Price. [Laughter]

I would like to endorse everything that Miles Price has said and add just one word. I think that we all ought to be aware of the fact, that the subcommittee which worked on this problem has given it very careful study over the last year, that this question has been before us for a long time. Perhaps it would be worth giving my own personal reaction.

I have been too busy with other matters really to give much thought to this problem, but I have been very much impressed by the informal discussion that I heard and by the work that the committee has done, and it seems to me that with the potential grandfather clause so that nobody is affected, our Policy Committee is asking us to do a very modest thing, sim-

ply to give it the green light "go ahead" and refine the proposal that it really has in mind. I believe that it would be a great mistake if we did not only approve this motion, but approve it with a very substantial majority.

Miss Helen A. Snook [Detroit Bar Association Library, Detroit, Mich.]: I don't know, but perhaps as one of the co-authors of this thing I might prevent a little misunderstanding in this discussion by perhaps refining or defining a little bit further the difference between facts in it. The charter certificate, of course, just gets us started in this period and can be limited while we are refining it. But the point count system, what that would do for you is merely to state if you have A-3 or 1-C that these are your educational backgrounds or experience backgrounds. On the point system, of course, we didn't have time to go into proper grading, but your certificate, if you have a 3-A doesn't refer to any rather vague standard. It says that you have this degree plus three years' experience, or you have ten years' experience plus three attendance at institutes. The point count system doesn't give you the rating as to whether you are good, bad or indifferent. It merely certifies much as a graduation diploma does that you have spent increments of time either in the education or the experience background. Does that clear away your thought about vague standards that we are trying to set up?

Mrs. Rider: I don't think it does. I think the same thing can be done much more simply by setting up those standards.

Miss Snook: Those will be something superimposed upon this factual data.

Mrs. Rider: I think what you are doing when you certify people is you are just classifying them, and I think that the person that is going to employ is equally capable of applying your standards to the people.

Miss Snook: This hasn't anything to do with employment. This is merely a factual statement that Mary Jones has spent two years in that school and has gone to so many institutes, but she may have worked ten years in the library. Therefore, she is within the group of law librarians who is in group A-2 or A-3 or what have you. That is all I wanted to say was just to define in case there was any misunderstanding what 1, 2, 3 and A, B, C might be, and those are tentative. The principle of the idea was the thing that we worked on first. There was no point in spending hours and hours and hours on a phase of a subject until we reached that stage in its development.

President Farmer: We are going to have plenty of time to let everybody have something to say.

Mr. Arie Poldervaart [University of New Mexico, Albuquerque, N. M.]: I have a question with respect to the effect of certification upon the state legislation which requires certification. Certification to me is considered when it is made a part of the program of an association such as ours. I am referring to a situation where the state law makes it necessary to be certified under the law, requiring certification by an association such as ours. Do you think that in a situation of that kind the certification as we have now dis-

cussed it should be considered as going into effect under the grandfather clause at this time, or do you think that we should wait until the 5-year period is up to consider that the part of the state legislation?

PRESIDENT FARMER: Are you asking a question?

MR. POLDERVAART: I am asking a question.

MISS FINLEY: I wish someone would answer it who knows more about state legislation than I do.

MR. ERNEST H. BREUER: I don't follow the state legislature.

MR. POLDERVAART: Where the state law has a provision for certification and this provision adopts by reference the requirement of an association such as our Association as part of the certification plan for the state, then should we consider the certification plan as we are now adopting it under the grandfather clause as being part of the state certification system, or do you think we should consider it as being postponed until after this entire point system has been worked out in a period of five years?

MR. DILLARD S. GARDNER [North Carolina Supreme Court Library, Raleigh, N. C.]: The compulsory period would be the end of the five years, and my interpretation would be it would not become compulsory under a state law until the end of five years, so as a practical matter, isn't that your answer, Arie?

MR. POLDERVAART: That is what I hoped you would agree with me on.

MR. GARDNER: That would be my interpretation. We might write such a provision into the adoption if you think that is needed.

MR. POLDERVAART: It would help. As vice chairman of our State Certification Committee in New Mexico it would help me in case we had some problems come up on that, if we had something like that in the statement.

MR. LOUIS PIACENZA [UCLA School of Law Library, Los Angeles, Calif.]: Two questions come to my mind. I don't wish to pose them. I just would like to get them cleared up in my own mind. It is very selfish and personal, but I do want to get it clear. One, this grandfather clause, would it apply—and I don't want to get into a wrangle like we did yesterday afternoon on accreditation, but this grandfather clause, would it apply to a person with five years' experience in a one-man library with three thousand volumes where an occasional lawyer comes in from a court, asks for a report, quickly looks at a case, throws the book back and goes back to the courtroom? Or does the same certification apply to a librarian who has been in a very active library of several thousand volumes with many, many readers all the time after him?

My point is, what does this grandfather clause mean? Does it mean that everybody who applies will get the same? Then it doesn't mean anything.

Now you get my point. Why would I want to be called a grandfather certified librarian if it doesn't mean a heck of a lot?

Now the second point is very personal, and again it is selfish. We have a committee that cooperates with the AALS. This certification business is coming. We can't deny it is coming. It is already in California. I will explain that in a moment. To mean anything

to me personally, and selfishly, my employers who are members of the AALS will have to adopt this, too.

Now what arrangements have we made with the AALS to always adopt this certificational grading system? Or is that in the cards? Are we going to work out something with the AALS so that when we are graded as a one, two or three that they, too, will grade us and accept the certification?

Now I said that it is coming. The certification business is coming. In California if you want to be a librarian in the civil service, you have to be certified, and that is how far it has gotten. It is in the statutes, and you have to be graded even before you take the civil service examination to get a position. So that I am not here to fight the certification. It is coming, and we are going to have it, but those two things do come to my mind, and I don't want them answered now, but I think they should be remembered. They should not be forgotten, and I think the AALS and most of us are connected with the AALS directly, more than 50 per cent of our association are employed by law schools, who are members of the AALS, and unless the AALS also accepts that certification no other employers will accept it to my mind.

Mr. Ervin H. Pollack [College of Law Library, Ohio State University, Columbus, Ohio]: Madam Chairman, in answer to Mr. Piacenza's question, the officers of the American Association of Law Schools have been advised of this certification proposal. The president of the AALS is aware of it. They are in complete sympathy with the proposal as far as it goes, so that the general trend and the direction of which this proposal suggests is in keeping with the trend of the AALS. I would predict under such circumstances without knowing who the president of the AALS will be five years hence, that that association will lead in the direction of certification as a criterion for employment in law school libraries in the future.

Mr. Julius Marke [New York University Library, School of Law, New York, N. Y.]: I would like to comment on that aspect of Lou's. I mean his question pertaining to the weight to be given to experience. This, the committee will definitely have to consider, and I am sure has considered, and over the period of years the number of years of experience in a particular type of library will give added credit, added points perhaps which would put you in a particular grade indicating and reflecting the type of experience you have had, so in that respect, Lou, the fact you have been twenty, thirty-five years or so in a very good law library [laughter] would certainly be reflected in the grade that you receive on certification.

Now I would like to reply to this young lady who commented on the desirability of standards rather than the active certification process, and also the fact that the employer would recognize the background experience by interview in the libraries with the applicant. You must recognize that standards when established must be applied. Somebody has to say you have complied with the standards.

Now in a sense this is what we are doing. We are setting up the point system eventually, and also by indi-

cating we certified you as a qualified law librarian. We are indicating to your future employer or anyone you apply to by reason of this certificate we hand you that you can show it to this person that we recognize you as capable of doing a certain type of job. Otherwise the employer must make that particular decision, and I assure you that many employers are in no position to make such a decision, and they would much rather have a professional organization such as this one certify to them that you are qualified. Then perhaps this additional question is required to determine the exact situation. This is the desirability and the importance of certification to our membership, and I personally believe that everyone of us has everything to gain by this certification process. You are being actually lifted by your bootstraps into professional standards, and we all have to gain by it.

PRESIDENT FARMER: Miss Snook asked to be recognized.

MISS SNOOK: I just want to answer that facet of Lou's question which asked about what we had done with reference—Louis I am directing this to you. I just wanted to say that that facet of your question which asked whether we had considered the AALS was one of the specific reasons that we divided these points into A, B, C and 1, 2, 3. Then when any organization whether it is the AALS or whether it is a group of law firms or whether it is the bar association or what, in setting their minimum standard can say, "We will not employ a librarian who has less in the way of experience and educational background than is defined by 3-2 or A-1, or any other combination of A, B or C and 1, 2 or 3, and because the AALS is working on minimum standards right now and proposed to put them into effect a year from this December, we would rather give them a measuring rod that they could say, "This is our minimum."

Then it is up to them to examine the five years' experience or the school which the person attended, naming the number of points for this degree or that degree, then the employer may examine the background of these points, but at least it gives them a defined minimum standard by saying that the law schools must have A-3, which may mean three degrees and a minimum of so many years' experience. So it was precisely to meet the coming demand and be able to give them some definitions which their organization could say we have devised or measured. Does that answer your question about AALS, Louis, and does it answer any of these other questions? Does that answer your question a little better?

MRS. RIDER: Well, my problem boils down to a misunderstanding perhaps on my part as to the relative employers' advantage.

MISS SNOOK: That is up to them to evaluate it, but that is what we say this person has in the way of education and experience background.

MRS. RIDER: And you people are definitely holding that many employers cannot do that evaluation efficiently?

MISS SNOOK: Some can and some can't, but this is a factual evaluation.

MR. MILES PRICE: I have two questions that I would like to ask. One

is this lady's about the influence upon the employers. For some years I have done quite a bit of placement work, and I would say very definitely that the employers who came to me regarded me as a certifying agency. They had no background to assess what we regarded as proper education and all the rest. They thought I had, so they came to me and asked my opinion. I think that is the way certification works. Gradually we build up prestige and so forth.

As to Louis' question which seems to indicate that he takes a rather low view perhaps of this charter certification or grandfather certification because it is going to bring in everybody, all and sundry, now there are two perfectly good and interlocking reasons for charter certification which is universal for people entering in this. The first is that we don't favor ex post facto laws. We don't want to have any sort of a regulation which is going to say today you are a good member and tomorrow you are not.

Nobody wants under any circumstances to downgrade or outlaw those people who are in this association. They are there. They came in under terms under which they regarded themselves as members in good standing in this association, and we don't want to do anything to disturb that. Correlative to that is the matter of expediency, Louis. If we didn't have a grandfather clause, if we set up immediately grades 1, 2 and 3, you know as well as I do that this association would never vote it. We have got to get the show on the road. We have got to make a start. We can't take too giant a step at once. We have got to get a start, and then after everybody has had due warning and due opportunity they can go ahead from there if they want to.

It is a matter of expediency Louis.

MR. ERNEST BREUER: This discussion proves, and it is heartening to know, that most of us are doing some thinking, and no one is going to shove anything over on you without your knowing fully what is expected—when you do the soul searching, as I think all of us are doing, giving this some thought.

It is perfectly all right to be selfish and think about what this means to me. Coming back to your question, have you asked yourself two questions instead of one? What good does this do me, but you also have to ask will it do me any harm, or did it do me more good than harm? At least, that is a start.

The next thing is, would you rather wait until all of us die out and only those people with three degrees would be members of the AALL, or do you have enough regard for this association—and remember, we are not only doing it for ourselves today, we have to think of the future because if this association is going to grow and prosper, we have to attract the kind of people that want to lift the standards up, not lower them down.

Now you have to make a start. Some of you may remember the story about Lincoln when he was examined to be admitted to the bar. I think the judge who was examining him was shaving at the time, and called him into the bathroom and asked him one question and said, "All right, you are a member of the bar."

I mean you have to make a start some place. In the State of New York when they first started certifying public accountants anyone who could put down two and two and make it come out four became a certified public accountant. They weren't looking to the present. They were looking to the future.

When you do the soul searching, remember we have to think not only of ourselves, but the future of this wonderful association.

Miss Kate Wallach [Louisiana State University, Baton Rouge, La.]: I think this fits everybody what Ernie Breuer just said. I think although we are breaking in at this point the association has proved already by having had several institutes that these people at this present time may not have these high qualifications which the law school library requires. The association itself will give the opportunity to everybody to acquire additional standards, and I interpret the present certification in that way, that probably in the future you can add to your qualifications not only by years of experience, but also by doing more to educate yourself whether in a formal manner or through the association, possibly in the institutes, and probably also in the future in local institutes, not only the attendance at the general institutes. These are all the things which I think are presently under consideration if I understand correctly. So it doesn't mean that when you come in now under a certain certificate for the future that is it; you can't get any further. Is that correct?

Mrs. Marian Gallagher: I have two questions. One, is the charter certificate to be granted to anyone with five years' experience in a law library, or to anybody who has been a member of this association for five years and incidentally, has five years experience.

Miss Finley: Membership in the association is not required. The only requirement is that a person who applies for a certificate must have had five years' professional experience in a law library. Membership would not be required for grades. I am not myself quite sure whether that—I don't think the grandfather clause will cover nonmembers. Don't you feel that way, Helen? I think the grandfather clause applies only to members. After the grade system is set up and the five-year period is over, you would not have to be a member of the association to apply for a graded certificate.

Mrs. Gallagher: I think then the motion should make that clear because in your discussion earlier you said if a member joined—

Miss Finley: Today. If we adopted it today and a member joined today.

Mrs. Gallagher: You must be a member to be a grandfather.

Miss Finley: Marian, may I correct myself. I didn't know our own report. Under the grandfather clause, (1) all members of the AALL who have had five years' professional experience, so that is in there, and thereafter new members, so the fact that the grandfather clause applies only to members is already in the report.

President Farmer: Mr. Surrency.

Mr. Erwin C. Surrency [Temple University School of Law Library, Philadelphia, Pa.]: Thank you, Miss Farmer, for this opportunity. I

wanted to express a couple of thoughts. The first thing is I am for progress. Secondly, I am against sin, but unfortunately, I am afraid that I am against this report.

Now I am afraid that this report is asking us to buy at this time a pig in a poke. In other words, a great deal of it is not actually clarified in my opinion. In other words, they talk about the point system, yet they can't pin it down and so forth.

Now unfortunately, I am afraid I am a little on the stupid side because it seems I always get interested in things no one else is interested in. I have been teaching trade relations now for, oh, I guess four or five years, and one thing that has interested me most in the course is the subject of certification of professions.

In the State of Pennsylvania at the present time, there are at least sixty-four "professions" that are licensed. Among these are plumbers, barbers, and so forth and so on.

Now one of the strange things that always struck me about all of them is the National Association of Barber Schools consider themselves a profession. I guess they can use the term in that respect also, but the point is that there is a great deal of thought among people who are in the field of certification that certification has not raised standards as much as they would like to, and a great many times certifying boards are not the ones to take part in the "promotion" of the profession.

I don't know whether this is speaking to the point or whether I am just up here making a lot of noise, but it seems to me before we can really go into this we must pin this thing down a little bit more. If we can pin it down a little bit more, I think I would be in favor of progress and would adopt it. At the present time I am afraid it is too much up in the air for consideration. So therefore, I would like to suggest that—I know a motion is out of order, Madam President, but I have got to wing out of here in just about two minutes to go catch a plane, but I do think that we ought to postpone this until this thing has settled down a little bit more and some of us can get our feet a little bit more on the ground, and can think through some of the problems which have been raised here which I don't think we can settle, if you please, in an emotion-charged atmosphere. Thank you.

PRESIDENT FARMER: Mr. Charpentier.

MR. ARTHUR CHARPENTIER [Association of the Bar of the City of New York Library, New York, N. Y.]: I think that you know that I am no tower of academic erudition, and I work in an area where I have no director of libraries, and have a delightfully free setup. I also work in the area of the practicing bar and the people who serve directly the bench and the bar.

I don't know. I have heard certification talked about now for some years. I don't think this is a new topic. I am conscious very much of one or two problems in relation to our own people. The first of these is the demonstrable fact that we have a lot of people in our profession who are extraordinarily able, who have never been to school, who don't have as many degrees as a thermometer, who

have not attended institutes and who are well known. I therefore am delighted to see this isn't a plan that requires as a condition precedent to membership in the association you must have a string of qualifications of one kind or another. It is fine that we are not having that advocated.

Now as regards certification, we have a couple of other problems here. Take a look at the law librarians of this country. Now the law school group which has been most articulate here is a reasonably well organized group who meet in one other association as well as this one. Our group which is the group in the law firms and the courts and so on has never had and is not that type, but I would venture to say we are by far in the majority throughout the country including the people who are not in this association, and let's look at them.

There are about 2000 law librarians in this country, I would guess, of which about 900 roughly are in this association. Now it is fairly vital if we grow as an organization that we attract some of these other people and get them in. Many of them aren't interested at the present time. They aren't interested for a variety of reasons, some of which are bound up in the way of their appointments and so on, but look around you at the people in our membership who do represent some of these libraries who have come into the association and who, in effect, have educated themselves. They have done this largely through the stimulus of their own jobs, its attractiveness to them.

Certification might have this salutary effect. I am firmly convinced that it will. It will provide some kind of incentive to people who come into this profession to learn more about it. Now this is absolutely predicated upon a tight program of education. I don't think that somebody coming into this profession should be required to have to spend seven years in college once he is in as a very practical matter. We are well aware that people coming into this aren't in a position to do this in every case, and you know them, and I know them. I don't think that is proposed, but there should be developed a very carefully thought out—and this is in the plans that I have heard talked about—scheme of being able to acquire the particular skills which make for better law librarians.

This has a direct relationship on what we as a profession will accomplish for ourselves. One of our great problems, it seems to me, is this problem of recognition. We had a sketch the other night where the law school hired Frederick, the janitor. I am interested in knowing that any group would consider a janitor as a law librarian, but as a matter of fact, I know one who became one, and he is in a law library in New York City. He retired last year, and interestingly enough, he retired on a janitor's pension. He did it because—you know him too—and he did it because of this. In the practicing bar area where we work this is a money area, and it is predicated wholly on what you get out for what you put in. If a law firm hires a janitor and can get results from a janitor, they will hire a janitor, and they will pay him the jani-

tor's pay. And they will look upon him as a janitor.

Now I fully agree that in the profession of plumbing that Erwin talked about, there isn't much you can do with a plumber. He is going to work his pipes and his soldering iron and track up your floors and charge you exorbitant prices. This is a profession which has its limitations.

That is not true here. It seems to me that one of our problems is going to have to be to get the people who are in our profession, who may not be members here, because after all this is the group to think about. What are they doing to become better educated, to give more effective service, and to show the people that employ them what more effective service is.

It is absolutely surprising how many of the employers don't know this, so they go on hiring janitors. So it seems to me we are at the point where we are being asked to advocate a certification scheme which merely says that librarians will be certified. The details have not been worked out. I would expect, and I am on the Policy Committee, and I am quite sure that the people whose experience has been in the practicing bar areas will be fully represented in working out these standards, and that is an absolute must. I have been assured that it will be done. We are only asking at this time to say that librarians will be certified. This merely means as far as I can see, that we will say as a group that so-and-so has had enough experience so that we think he is capable of doing a job.

Now part of this progress which has not been talked about too much here is experience, and that is a great part of this progress. It is just as important as courses in my opinion. I think that would be the opinion of many of my colleagues in this practicing area. Don't lose sight of that fact. This is not, as I view it, the scheme where you go to school all the time.

Now if we can develop this association so that instead of 900 of 2000 librarians we get 1500 and we get 1300 of the 1500 interested in what they are doing, then I think that we will attain the dignity of the profession in the minds of the people who create one, and those are the people who employ us, not in the law school field alone, but in all of the places where we operate. Then the one will regenerate the other, and we can go on and we can really become something and maybe we can get this headquarters and maybe can do a lot of things we have wanted to do. But I think now we are at that point, and the greatest thing that we have to do now is to say, "One, we will advocate certification. Two, we will very carefully determine what the so-called standards that we wish to put in are, and how they will be reached. And to do this we will take into account the needs of all of us, and then when we have reached that point we will go ahead and do it.

If we do this, it will be perfectly possible for Judge X's Sally, to come in as a librarian of X library in a town the size of that chair in upper New York state, and if we can get her into the association and get her interested and give her something to shoot for, she may open the judge's eyes in the court, and the next librarian up there

when she retires—because she will be there a long time and honored in the community—will be somebody who has a little bit more, and the selection process will be a little bit better, and will go on. So let's get these people with natural ability and give them every encouragement, and get the others in.

Now I am speaking as one who does not have a library science degree, I regret to say frankly, and there are a lot of us. But I think we have a chance here, and before I retire I would really like to see—this is in twenty-two years, see? [Laughter] I would really like to see that we do have a profession recognized, compensated and so on. I would hate to see us stop at dead center after all of the tremendous amount of work that has gone into this association since 1908 by a group of devoted people whom we all know well. That is why I am in favor of certification. I am in favor of it for my people whom I very much honor and the people with whom I am proud to be associated—those that serve the presiding bench and the practicing bar. Thank you very much.

MR. LOUIS PIACENZA: The two questions I posed were cleared up in my mind, and I was happy about it. Then Marian Gallagher spoke, and now I am unhappy again.

Another question is posed in my mind, and this is also selfish again. It affects me in California. Now there are several state agencies besides California where there are certification agencies already on the statutes or in the regulations. Washington state is one as well as California, and there may be others.

Now my question is this. What has the committee done about contacting these accreditation or certification agencies in the various states so that there will be just one certification certificate and not two? A good one from the state or a poor one from the state and a good one or a poor one from our association. Do you follow me on that? Will California reject your grading system, or will they accept it? What have we done about investigating the accreditation of certification agencies throughout the country?

MISS FINLEY: Louis, I think we can safely say we have done nothing.

MR. PIACENZA: Perhaps then we should investigate it a little bit further. As I said, certification is coming, and we must realize that. I think we ought to study it a little bit more. I am inclined to agree with Surrency, that perhaps if the parliamentarian will permit a vote to table this for further study, it might be in order. This isn't a motion. I'm just speaking.

MISS FINLEY: Louis, I am trying to explain the committee's position, and I believe the Policy Committee agree with us. We do not intend that our certificate, if anyone applies for one, has any effect with any state regulation. This is only expressing the opinion of the professional group of the profession of law librarians that in our opinion this person is a qualified law librarian. If it is not the opinion of the Civil Service Commission or whatever of California, that is their business.

I do not think we can expect to take the place of the state legislature. If the state requires the certificate, they lay down the laws. I do not see how

we can possibly undertake to lay down a certification plan that would agree with the state regulations of fifty different states. I think we are only required to say that in our opinion this person is a qualified law librarian. After we get to the point of grades we will be able to say this one is qualified for this type of job. I mean, the grade itself will indicate that.

We must look to the future. If we don't start now the future just gets further and further away.

MR. JULIUS MARKE: May I supplement that comment which I subscribe to by stating that it may have the beneficial effect—our certification process may have the beneficial effect of calling to the attention of these certifying bodies, state bodies, official bodies, of calling their attention to our standards and shedding enough light on their problem to perhaps change their standards to comply with ours.

PRESIDENT FARMER: Mr. Johnson has the floor.

MR. DONALD W. JOHNSON [Creighton University School of Law Library, Omaha, Nebr.]: First of all, I would like to say I favor the abstract idea of certification. I think it is a good idea, and one that should be followed through on, but I have to agree with Mr. Surrency that the concrete proposal put before us today lacks some things. Before going further I would also like to point out I think the statistics that have been made so much of concerning the growth of MLA remind me of the three kinds of lies. Lies, damn lies and statistics.

These statistics do not tell us that the growth of the MLA is directly attributable to their certification plan. It is merely left to implication that this is a fact, whereas, in fact, they may have experienced that growth or even a greater one through the normal course of events.

I also think that with the plan as proposed here, that the suggested point count system gives a false equivalence of experience in different levels. We all know that it is one thing to administer a library of a few thousand volumes. It is another thing to administer a library of a few hundred volumes and various levels in between, and there is nothing in this suggested point count system that would make any qualitative differentiation. It is merely an accumulation of experience. Sleep on the job ten years in a law library and you have ten points.

This necessarily to some extent makes it arbitrary. One arbitrary thing I point out—it is automatically decided, and it must be arbitrary, that experience in a professional law library is worth double the value of experience in any other library. I doubt this is true, and I doubt anybody here could seriously work out any mathematical equivalent or ratio of experience between general libraries and law libraries conceding, of course, that in certification for law librarians that this is of greater value, but how much greater is something that cannot be arbitrarily determined. I would like to inquire, too, as to this point count system where the emphasis is certainly upon degrees. They presume necessarily first you get a Bachelor's degree, and you go on and get a Master's degree. There are institutions in this country where it is possible to skip the lower degrees entirely. I know of

schools where the first degree you can take is a doctorate. It is quite possible the degrees from that institution are very well recognized not only throughout the country, but throughout the world.

I feel that this emphasis upon degrees is unreal. There are individuals who may have more or less experience in a great library with no degrees whatever and who may be extremely capable people, and there are other people who may have Ph.D.'s, and I have known some who didn't even know what the Library of Congress Author Catalog was or how to use it.

This is a fact that must be faced up to, and furthermore, this plan which is presented here is quantitative rather than qualitative. Certification, it seems to me, must be a qualitative thing, not merely a quantitative thing. If we are certifying somebody who is capable of doing something we must do it on a qualitative basis.

Finally I would like to remind the group of Slotkin's Law which is perhaps facetious at this point, but Slotkin's Law says income is inversely proportional to the number of degrees held. In many institutions this is true.

Finally, I think we are a little bit too eager, too anxious to jump into this thing. I am inclined to think that haste makes waste, the pig in the poke idea expressed by Mr. Surrency, which might be expressed as carte blanche, is something that doesn't appeal to me, too.

MISS FINLEY: We are not asking you to buy a pig in a poke. We are not jumping at this. Heaven knows we have been jumping up and down in this place about it for ten years I remember, and for all I know before that. I think I said in my opening statement that the point count, as in the report, it is suggested only that we would have this period of five years under the grandfather clause to work that out with better minds than just our two. We need a great deal on that.

I am not suggesting that you commit yourselves to the suggested point count system. We are asking that you adopt the committee report on the grandfather clause part only. The rest of it is only suggestive, and it is understood it is open to amendment, revision, discussion, and we have five years in which to do it.

PRESIDENT FARMER: Mr. Drummond asked to be recognized.

MR. FORREST S. DRUMMOND: Don't get me wrong. I am all in favor of this certification, but I just wanted to raise one point. If we are going to have a point count system, isn't it likely that if people are certified as grandfathers, certification isn't going to be worth too much later? Are you going to give those people an opportunity to qualify under the point count system, too?

MISS FINLEY: I think the report says anyone who has the grandfather clause after the grade system is set up may, if they wish, apply for a grade certificate. I really think it was in my mind, and I think in Helen's, that this may not affect us old-timers now. Most of us are going to do all right in our jobs, and we don't care whether we have a certificate or not, but it has been the feeling for years that the professional association spokesman for the profession should have some standards. This

plan, we figure, will not mean that people who are in a law library and want to be a member have to meet certain standards, but if we start it we have to include ourselves in starting it somehow. This is entirely voluntary. If it doesn't make any difference to you, all right. Of course the charter certificate doesn't mean as much as a grade would mean in the sense that you are qualified to be the librarian of the Law Library of Congress. We are not saying what job you are qualified for under the charter certificate and under the grandfather clause. The employer will have to use some judgment. We help him at least to the extent of saying he is not a janitor. He is a law librarian. We won't say he is going to be able to run Harvard University.

MR. POLDERVAART: In answer to one of Miss Finley's early remarks, I want to make this simple observation. That is, that the legislatures realize that this or any other professional special library association is in a better position to judge the qualifications of a librarian for a special field than it is, and I think that we should bear that in mind in working out these standards.

MR. CHARPENTIER: It seems to me that this discussion has been full, and we are fully agreed that there are many problems, and they are great ones that must be ironed out before the standards are set, but I think that reasonably sums up everything that has been said, and therefore, I move the question.

PRESIDENT FARMER: The motion is that the report of the Policy Committee be adopted. Namely, that we adopt in principle the matter of certification for law librarians with the point count system to be studied and developed at a later date within the five-year period which commences to run at this time. Is that correct?

MISS FINLEY: Yes.

PRESIDENT FARMER: All in favor please make it known by saying "aye;" opposed "no." The motion has been carried. We have adopted in principle the matter of certification with the understanding that the grandfather clause will commence running at this time, and we will have five years in which to develop the specific requirements for the various grades within the certification principle.

Let me say this for the benefit of those people who have some hesitancy on this score, the job of the chairman of the Policy Committee is falling on me. I have worked as hard as I could this year to keep this association going. I want to assure every member that so far as I am concerned, as chairman of the Policy Committee, I will do everything in my power to take into account the individual problems of every member of our association, so that you have need of no fear that this matter of establishing the grades will be railroaded through without your opportunity to be heard and to be given due consideration.

Is there any other business to come before this meeting? If not, we stand adjourned, until the closing luncheon which is scheduled for 12:30.

[The meeting recessed at 10:45 o'clock.]

CLOSING LUNCHEON

June 30, 1960.

The closing luncheon convened in the Hall of States of the Leamington Hotel with Miss Frances Farmer, President, presiding. After the invocation was pronounced by Mr. Dillard Gardner, Miss Farmer read telegrams from Miss Helen Newman and Mr. Carroll Moreland. She then introduced those seated at the head table; Mr. Ross Kitt of the Bancroft-Whitney Company, Mr. Dillard Gardner, Miss Goldie Alperin, Miss Margaret Hall, Mr. William D. Murphy, Mr. Ervin Pollack, Miss Elizabeth Finley, Miss Doris Fenneberg, Mr. Ernest Breuer, and Mr. Lionel J. Coen.

Mr. Coen spoke for the Resolutions Committee and presented a resolution of warmest thanks to all of the hosts and those others who had made the meeting possible. The motion was adopted by acclamation.

Miss Farmer then introduced Miss Helen A. Snook, the incoming President, and turned the gavel over to her.

Miss Snook took the chair and addressed the assembly.

In the absence of further business, the Convention was adjourned.

REVISED ASSOCIATION CALENDAR

Annual Meetings

Date	City	Headquarters
June 26-29, 1961	Boston	Sheraton Plaza
July 1-5, 1962	San Francisco	Jack Tar Hotel

CURRENT COMMENTS

Compiled by VIOLA A. BIRD, *Assistant Law Librarian*
University of Washington Law Library

Foundation Library Center Reports on its Activities

The purpose of the Foundation Library Center, its history, present operation and plans for the 1960 decade were outlined by Mr. F. Emerson Andrews, Director, in his 1959 report. The Center was incorporated in 1956 and financed by a grant of $500,000 from the Carnegie Corporation of New York, supplemented by $300,000 from The Ford Foundation. Its purpose is "to collect, organize and make available to the public reports and information about foundations" organized and operated exclusively for charitable, scientific, literary or educational purposes and which are exempt from income taxation under the laws of the United States. The original grants were designed to furnish funds through 1961. Services of the Center through the 1960 decade will be supported by recent grants of $400,000 each from the W. K. Kellogg Foundation and the Rockefeller Foundation as well as a sustaining fund from the original donors. The library, in the Center's New York headquarters, is open to the public and during its third year of operation served 2,752 persons, not including those assisted by mail and telephone. The Center is an information depository and "does not act as a spokesman for foundations, offer consultation of fund-raising, advise potential applicants as to which foundation might be a likely source of funds, nor arrange introductions to foundation officials." Its collection now includes almost complete sets of foundations' current and historical reports, as well as descriptive pamphlets, financial statements and clippings of or concerning more than 11,000 foundations.

In order to make the information collected by the Center more widely available, a plan for regional depositories is under way. The Hanover Bank's gift of its Philanthropic Library made the inauguration of the plan possible whereby duplicate copies of current foundation reports and many complete historical series are now on deposit at the Midwest Inter-Library Center. Publication of a Foundation Directory, Edition I, is in progress. This will include such data as the names of officers and trustees, general purposes and fields of interest, assets, expenditures and current grants of each foundation. Mr. Andrews' report emphasized the value of annual or biennial reports by the foundations. Public reporting of programs, policies and expenditures is the bridge between the dedicated wealth of the foundations and worthy causes, creative ideas and scientific study by responsible groups or individuals.

Use of LACLL Class K Surveyed

The Los Angeles County Law Library *Class K* schedule for the classification and shelf arrangement of law books is used in an increasing number of libraries. A recent survey among recipients of LACLL classification schedule indicates that it is used with or without local adaptations at *12* libraries; it is used in part or as a guide or for comparison or consultation in the development of other classification schemes in *11* libraries; its future use has been decided on or is in prospect in *8* libraries and under study in *3* additional libraries; *6* library schools use it actively for purposes of instruction and *3* libraries for advising other libraries when requested for advice on classification. An additional *5* libraries have indicated that they would have adopted the classification if it had been available at the time when their collections were cataloged.

LACLL *Class K* is based on the Benyon *Classification Class K* (1948) and has been issued by the Los Angeles County Law Library as its own system of classification in editions of 1951, 1956 and 1958.

New York Public Library Films Official Gazettes

The New York Public Library recently completed the microfilming of the first group of a series of national and local gazettes. This initial stage of the program covers the assembling and microfilming of files as complete as possible of twelve Latin American countries, beginning with 1958:

Argentina. *Boletin Oficial*
Brazil. *Diario Oficial*
Chile. *Diario Oficial*
Costa Rica. *La Gaceta*
Dominican Republic. *Gaceta Oficial*
Ecuador. *Registro Oficial*
Guatemala. *El Guatemalteco*
Haiti. *Le Moniteur*
Honduras. *La Gaceta*
Panama. *Gaceta Oficial*
Peru. *El Peruano*
Venezuela. *Gaceta Oficial*

This selection of gazettes was proposed originally by the First Session on the Acquisition of Latin American Library Materials, 1956, and subsequently ratified by the Association of Research Libraries at its 47th meeting in June 1956. A committee appointed by ARL, with Lawrence Thompson as Chairman, studied the feasibility of a gazettes preservation program. On the committee's recommendation, the New York Public Library undertook the assembling and filming of gazettes, with the cooperation of the United Nations Library, the Library of the Association of the Bar of the City of New York, and other institutions. A set of positives of filmed gazettes has been made available for loan at the Midwest Inter-Library Center, as the committee recommended, and information concerning such loans may be obtained from the Center. The New York Public Library also is prepared to produce positive copies on demand from its master negatives as filming is completed. Files for 1960 will be filmed as soon as practicable.

The value of gazettes as reference and research material is evidenced by the types of information they contain, which includes trade mark and patent registration, legislative bills and committee reports, laws, texts of treaties, proclamations, decrees relating to international organizations, ministerial and executive orders, budgets, reports of shipping and trade, economic and financial statistics, national bank statements, new constitutions and amendments, judicial decisions, statements of industrial corporations and government acts affecting specific individuals.

The New York Public Library is expanding its gazettes program as rapidly as conditions permit and ultimately it is hoped a film archive including all of the more than 350 national and local gazettes being issued throughout the world can be produced. Filmed files going back to the first issue of each gazette are also planned.

Inquiries concerning available and specific gazettes should be directed to the Photographic Service, The New York Public Library, New York 18. Price lists and files available will be mailed upon request.

Electronic Tape-Activated Typewriter Used for Automatic Catalog Card Processing

The Illinois State Library has adopted a program of centralized cataloging utilizing an electronic tape-activated typewriter and continuous card stock which makes production of catalog cards almost automatic. The equipment consists of a Synchro-Tape Typewriter, a pin-fed platen, continuous 100 per cent rag content card stock paper, punched marginally, paper cutting equipment, and an electrically-operated Kar-Veyer unit for filing finished punched paper tapes. The card stock is in fold form and each fold is long enough for three catalog cards. Variations for added entry and shelf list cards are made easily for the typewriter stops automatically at the position where added entries occur on catalog cards. Special training is not required in the operation of the equipment. The production of cards can be handled by a qualified typist with a minimum of instructions.

As cards are typed, a paper tape is punched automatically. By switching the typewriter to automatic operation and placing the tape in the "read" mechanism, typing of another card identical to the original is automatic. The typist manually types the added entry when the typewriter stops automatically at the position where they are to occur. By returning the machine to automatic, the reproduction of the card is completed.

If the operator keeps the punch unit producing while typing an entire set of cards, two products evolve: a set of cards and a punched tape for the set. The punched tape can be reproduced as many times as desired. At present a pilot study is in progress which makes centralized catalog card service available to 32 southern Illinois counties. The study is to determine costs and to work out problems of extending the service to as many of the 420 public libraries in Illinois as need the service. (The Pioneer, v. 23, March-April, 1960, p. 4-5)

Union List of Foreign Periodicals Being Compiled

Publication of the *Index to Foreign Legal Periodicals* has created a need for a union list of American law libraries' holdings of periodicals indexed therein. Dr. Kurt Schwerin, Chairman of the Foreign Law Committee, has undertaken preparation of such a union

list from information furnished by nineteen law libraries having substantial foreign law holdings. It is expected that when processing of this material is completed the union list will be published in the *Law Library Journal*.

Interest has been shown also in developing regional union lists of these periodicals for Greater New York and for Southern California. A list of foreign legal periodicals indexed in the *Index to Foreign Legal Periodicals* and currently received by the Association of the Bar of the City of New York appeared in 15 *The Record* 324-6, June 1960.

Mrs. Lilly M. Roberts of the University of Michigan Law Library is in the process of compiling a list of addresses of the publishers of the foreign periodicals indexed. This will include the subscription price and may include bibliographic information. The list which should be completed by the end of 1960 will be published in the *Index*.

A.A.L.L. Receives Grant for Compilation of Checking Edition of Legal Subject Heading List

Miss Frances Farmer, President of A.A.L.L., announced at the Minneapolis convention that the Association had received a grant of $5,000 from the Council of Library Resources for the production of a checking edition of a list of Library of Congress subject headings for legal literature. It is being edited under the direction of Werner B. Ellinger, Senior Subject Cataloger (Law), L.C., chairman of a special subcommittee of the Committee on Cataloging and Classification; Charles C. Bead and Helen C. McLaury are the other members of the subcommittee.

The list will consist substantially of LC headings and subdivisions extracted from the sixth edition of *Subject Headings* and its supplements through December, 1959. Thirty copies of the checking edition will be produced by photo-offset from negatives to which the entries will have to be transferred from a one-line master card file. Additions and corrections will be made by substitutions or additions of one-line cards in the master file for the production of the definitive edition and, possibly, later cumulations.

The checking edition will enable a group of volunteers, which the subcommittee hopes to enlist, to participate in the editing of the definitive edition. As defined in the original assignment to the Committee on Cataloging and Classification, the purpose of the list is to serve as an aid in the subject cataloging of law materials and as an initial step in the development of principles for the construction of legal subject headings and subdivisions. The publication is intended to relieve law librarians and subject catalogers of law materials of the necessity of consulting the original LC list save for exceptional cases.

Cataloging-in-Source Experiment

The report to the Librarian of Congress on *The Cataloging-in-Source Experiment* (Washington, Library of Congress, 1960) made by John W. Cronin, Director of the Processing Department, summarized the viewpoints of the Library of Congress, the publishers and the consumer. The experiment was concerned with the financial and technical problems of the publishers and the Library of Congress on the "doing-giving" end, and the user or consumer-libraries on the "receiving" end. The conclusions and recommendations in the report differed accordingly.

In a short historical preface Mr. Cronin pointed out that centralized cataloging has been advocated for over a hundred years both here and abroad. Between 1870-80 the first experiment in "Cataloging-in-Source" was undertaken in answer to the librarian's plea for some method of cutting the high cost of cataloging and reducing duplication of work. Various methods were proposed and some of those tried by publishers were card size title slips, slips printed on thin paper for pasting on cards, and removable pages with four entries: author, title and two subjects. Although these practices lapsed because of insufficient response by users and lack of uniformity in rules of cataloging, the idea remained alive until the 1958 experiment. A preliminary report on this experiment was presented to A.L.A. in June 1959 by Mr. S. Sumner Spalding, Chief of the Descriptive Cataloging Division. (See Current Comments, Feb. 1960)

The final report said, "The over-all conclusion seems inescapable that a permanent, full-scale Cataloging-in-Source program could not be justified from the viewpoint of financing, technical considerations, or utility." Some reasons for this conclusion were: It might cost the publishers and the Library of Congress an estimated $750,000 a year. Lack of uniformity in the catalog entry format used by the publishers would make it impossible to use photographic reproduction for catalog cards. Careful checking of each title still would be necessitated by the inevitably high number of discrepancies in the pre-publication cataloging of entries. In the 1,082 CIS entries published in books, 615 errors in publisher and card entries appeared. Cataloging-

in-Source entries would have to be adapted to the local needs of the particular library. With so many adaptations being made, the principal product that CIS could provide would be a useable main entry, and this can be provided through less costly methods.

New programs by two publishers may be sufficient substitutes for CIS. Full cataloging now is provided by *Publishers' Weekly* in its Weekly Record through the All-the-Books program arranged between R. R. Bowker and the Library of Congress (see Current Comments, Feb. 1960) and its monthly cumulations in *American Book Publishing Record*. (See Current Comments, May 1960). PW will endeavor to list books in the week of publication. Bro-Dart Industries has initiated the SACAP (Selection, Acquisition, Cataloging and Processing) program, described in the *Library Journal* (Dec. 15, 1959, pp. 3828-3830). Each week subscribers would receive a six-part multiple order form for all books to be reviewed in the *Library Journal*. A card-format stencil suitable for quantity reproduction and prepared from a standard Library of Congress printed card would be received by subscribers for each title ordered. A low-cost, hand operated card offset imprinter is being developed by this company. Mr. Cronin concludes, "There should be no further experiments with Cataloging-in-Source. If the new programs fail to meet their objectives, future experiments should be conducted along the lines these programs have laid down."

Esther J. Piercey, Chief of the Processing Division of the Enoch Pratt Free Library, Director of the Consumer Reaction Survey, presented that part of the report which states, "The only conclusion to be drawn from the Consumer Reaction Survey is that Cataloging-in-Source is indeed wanted, would be used, and is needed." Charts indicated that in adapting CIS titles to individual library procedures there was a high degree of deviation from the bibliographic information furnished. When the CIS information is accurate, it would be of particular benefit to the small library which has a small budget and inadequate bibliographic tools.

Appended to the Consumer Report is the January 31, 1960 recommendation of the ALA Cataloging Policy and Research Committee, "That a national program of cataloging-in-source be undertaken immediately by the Library of Congress, with as complete publisher cooperation as it is possible to secure," since the programs offered by PW and SACAP are not a replacement for Cataloging-in-Source.

In July, Sarah K. Vann, Chairman of the Cataloging and Classification Section of the ALA's Resources and Technical Services Division, transmitted to the Library of Congress a proposal which had been approved at the Montreal conference, requesting a limited Cataloging-in-Source program. Because of regular work and special projects which are in progress, L. Quincy Mumford, Librarian of Congress, replied, "The projects to develop a National Union Catalog of Manuscript Collections, to prepare a Third Edition of the Union List of Serials, to publish a retrospective National Union Catalog of 1952-55 imprints, to organize and microfilm the Presidential Papers, and others assumed by the Library must be continued. In order to devote our efforts to these current operations amid shortages of space and the resulting limitations on staff, we are being forced to decline new projects that would require substantial space and additions to the staff as this one would."

Improvements in Federal Register and Code of Federal Regulations in Progress

A study of the *Federal Register* and *Code of Federal Regulations* is in progress by the Committee on the Federal Register of the Section of Administrative Law of the American Bar Association. The purpose of the Committee is to determine whether or not these publications are making available the record of actions of the Federal agencies as rapidly and effectively as the legal profession requires. Information obtained from 603 questionnaires, or approximately 28.8%, of the 2,093 distributed to members of the Administrative Law Section of the Committee in December 1959, was the basis of an interim report (Administrative Law Bulletin, v. 12, Winter issue, 1959-60, 83-97). Mr. A. Alvis Layne, a Washington attorney, chairman of the Committee, expects that final conclusions and recommendations can be prepared for the Council meeting scheduled for August 1960.

The interim report included a description and prices of the *Federal Register* and the *Code of Federal Regulations* since questionnaire response revealed that some lawyers are not familiar with these publications. Sample comments and suggestions from the returns indicate the specific uses made of these publications and problems encountered by some of the users. Suggestions for improvement included better grouping and indexing and loose-leaf publication. Many reported that their use is limited to notices and regulations of only one agency or commission and they proposed that the *Federal*

Register be published in sections by agency with subscriptions available for a particular section.

In an accompanying article (pp. 98-102) David C. Eberhart, Director of the *Federal Register*, outlined the improvements which the staff of the *Register* has undertaken. The report of the Committee will form the basis for further improvements. The Federal Register staff favors loose-leaf service but cannot aspire to compete with commercial services which are free to include quasi-judicial material and unofficial summaries. The *Federal Register* is restricted to official documents, officially promulgated under law.

General plans for improvement of the Federal Register system, some of which are already in effect, include changes in format. The 1st and 2nd pages will be reserved for the daily index and codification guide. Each major division in an issue will start on a new page with the contents arranged in logical order. Supplementation of *CFR* by the use of tear sheets is under consideration. Indexes are to use more boldface type and white space for facility in reading and a continuing consulting group will seek to simplify and improve the indexing.

As books of the *Code of Federal Regulations* are revised, they will be split into smaller volumes where practical. Cumulative annual supplements will be continued and semi-annual, quarterly and even monthly supplements will be issued as required for effective use. Simplification and continuous improvement of indexes for *CFR* will be pursued.

The Federal Register staff is anxious to have assistance in perfecting immediate improvements and asks for suggestions from users regarding frequency of supplementation of *CFR*, which units of the *Code* should be supplemented by loose-leaf service, how frequently change sheets should be issued, and how much practitioners would pay for service on the documents of a single commission. Criticism and advice are welcomed in order that the *Federal Register* and *Code of Federal Regulations* may better serve their purpose.

U. S. Supreme Court Records Deposited in the National Archives

By an order of the U. S. Supreme Court in June 1959, the Officers of the Court were authorized to transfer to the National Archives documents and records of the Court as they become 50 years old. The transfer is substantially completed now and a continuous program for the accessioning of the records of the Court to the National Archives has been established.

In 1935 and 1936, when the Archivist of the United States requested the transfer by the Supreme Court of this material, the Court's decision was that none of its records were to be deposited with the Archivist. Intermittent activity between the Court and the National Archives through the last decade has resulted in the change of policy. In 1951, the Marshal of the Court became interested in the preservation of the records relating to the Revolutionary War Prize Cases. The repair and microfilming of this badly deteriorated material was completed so promptly and satisfactorily that a flow of "appropriately selected" documents has been sent by the Court for restoration and repair and then returned to the Court. By agreement, the National Archives has microfilmed this material and by this means made it widely available.

Substantially all of the records of the Court dated between 1790 through 1909 now are in the custody of the National Archives. Besides case material, these records include: dockets, minutes, journals and case indices; admissions to the bar; Clerk's office administrative records; Clerk's office miscellaneous documents; and Marshal's administrative records. A list of 25 series, with a description of the size, completeness and condition of these records, is given in 4 *American Journal of Legal History* 246-254, July 1960.

A three year program has been planned by the National Archives to complete the processing of the collection. When the required repairs, humidification, deacidification, flattening and lamination are completed, final identification and arrangement will be made. Plans include preparation of finding aids and publication of a Preliminary Inventory with an historical introduction and a detailed description of each of the series documents.

Four series of the Court's records were microfilmed by the National Archives in 1954-55 and include some records up to 1950-51. Further microfilming program will depend upon the availability of this material in other published sources.

The National Archives maintains an extensive reference service for all records in its custody. Information contained in its deposits is available to private persons as well as state and federal agencies, although the records generally will be loaned only to the agency of origin. Records may be used, as the physical condition permits, in rooms within the National Archives and for a small fee

photostatic copies of any document may be obtained and certified if desired.

Mid-European Law Project Terminated for European Law Division of Library of Congress

Since 1949, the Free Europe Committee, Inc., a non-profit corporation of New York, has made annual grants to the European Law Division for the establishment and operation of the Mid-European law project. The purpose of the project was to present authentic source material in English, revealing the political, social and economic changes which have taken place in the Mid-European countries since the end of World War II.

These grants provided this rapidly expanded Division of the Library of Congress with a specially trained staff of judges, legislators, diplomats, and lawyers having a knowledge of other languages and legal systems of Europe who could analyze developments in their native countries and present them in English terms understandable to American readers. The Law Library provides the only comprehensive collection of foreign law in the Government and the best collection of foreign law in the world. By pooling the foreign law specialists in the Law Library their services are available to and used by all branches of the Government.

Early in 1959, the Free Europe Committee notified the Library of Congress that its contribution would be reduced in half to $100,000 for 1960 and would terminate as of June 30, 1960. Although the Mid-European law project is to be discontinued, the European Law Division requested five legal specialist positions in the appropriations for 1961, deeming it advisable to retain a portion of the staff in order to continue the vital service rendered. (Hearings before the Subcommittee of the Committee on Appropriations, U. S. Senate on H.R. 12232, 86th Cong., 2nd Sess. 31-32 (1960).

At the suggestion of the Standing Committee on Facilities of the Library of Congress of the American Bar Association, Congress appropriated funds for ten positions. Most of these positions will be utilized by the European Law Division. (19 LC Information Bulletin 478, Aug. 15, 1960) Certain countries of the world are not covered in detail by any of the existing divisions of the Library of Congress and further positions will be requested in the future for these.

Highlights May Terminate Publication

Highlights of Current Legislation and Activities in Mid-Europe, the monthly publication of the Mid-European project, may be discontinued since the financial sponsorship of the Free Europe Committee, Inc., has terminated. In order to determine the value of continuing the publication, Dr. Lawrence Keitt, Law Librarian of the Library of Congress, has requested subscribers and users of *Highlights* to furnish information regarding their use and the kind of material which is of most value to them. Specific questions are: (1) What type of work is performed by the user? (2) Do you use *Highlights* in your work? (3) According to country and subject matter, which kind of material in *Highlights* has special value in your work? (4) What is your preference in regard to purely informative articles and analytical studies? (8 *Highlights* 2, Jan.-Feb., 1960)

MEMBERSHIP NEWS

Compiled by MARY W. OLIVER, *Law Librarian*
University of North Carolina
Chapel Hill, N. C.

JAMES EDWARD ALLEN is the Order-Serial Librarian for the Washington Supreme Court Law Library. In addition to his formal academic training, he has attended the New England Conservatory of Music in Boston and the University of Washington School of Music. Prior library experience includes work with the South Puget Sound Regional Public Library, King County Public Library and the Washington State Library.

ELEANORE C. BLUE is Law Librarian at Washburn University. A graduate of Washington University, she received her LL.B. from St. Louis University in 1957. She was admitted to practice in Missouri and practiced there from 1958 to 1959 when she was named Law Librarian.

JAMES DUNN has been appointed Reference-Circulation Librarian for the Washington Supreme Court Library. A graduate of the University of Washington, he has a Masters Degree from the University of Washington School of Librarianship. He has been Librarian at Clark Junior College Library in Vancouver and a cataloguer at the Washington State Library.

MRS. RITA DRONE has been appointed to the position as Assistant Circulation and Reference Librarian at the University of Minnesota replacing LILLIAN MARTIN.

CAROLINE C. HERIOT has been appointed Assistant Law Librarian at the University of Iowa, Iowa City. A graduate of Lander College, she received her B.S. in L.S. in 1954 and her LL.B. in 1960 from the University of North Carolina. She was Assistant in Public Documents at the Library, University of North Carolina in 1954, was with the Bureau of Ordnance Technical Library, Department of the Navy, Washington from 1954 to 1956 and was Assistant Law Librarian at the University of North Carolina from 1956 to 1959.

U. V. JONES, II has replaced MRS. SUZIE THORN as Reference Librarian at the University of Washington Law Library. A graduate of the University of Oklahoma, he received his LL.B. from the same institution. He served two terms as County Attorney of Kiowa County, Oklahoma, and for nearly three years with the U. S. Air Force as Management Analyst. He was engaged in the practice of law at Snyder, Oklahoma for seven and one-half years.

BEATRICE MONTGOMERY became Head Cataloguer of the Los Angeles County Law Library on July 1, 1960. A graduate of Randolph Macon College, she received her A.B. in L.S. from Emory University and her M.S. in L.S. from the University of North Carolina. She has been Librarian at Tyson Junior High School, Knoxville, Tennessee, Assistant Librarian at Knoxville High School, Librarian of the Post Library at Fort Lee, Virginia, and has held cataloging positions at

the University of North Carolina, Baylor University and Georgia State College in Atlanta.

HUGH MONTGOMERY, a new member, is the Librarian for the University of Massachusetts in Amherst. He has been associated with the Harvard College Library System and was Librarian for the School of Public Administration Library at Harvard.

JOHN NEMETH, is the Law Librarian, Department of Public Printing and Stationery, Ottawa, Canada. His academic qualifications include Absolutorium in Civil Law, Budapest, Hungary; Doctor of Political Science, Budapest; Graduate of the Consular Academy, Vienna, Austria; Master of Laws, McGill University, Montreal; Bachelor of Library Science, McGill University and holder of a Certificate, for the course in Law Library Administration at Columbia University.

BERTHA ROTHE is now Librarian for the Social Security Administration, Baltimore, Maryland. Miss Rothe has an A.B., an A.M., and a B.S. in L.S. from Syracuse University. She received her LL.B. in 1948 and her LL.M. in 1956 from George Washington University. She has been admitted to practice in the District of Columbia and to the Court of Appeals and has had experience in public school teaching and library work before entering the law library profession. She was Law Librarian at George Washington University from 1953 to 1960. The author of THE DANIEL WEBSTER READER, she has also been an instructor in Law Librarianship at the Graduate School, U. S. Department of Agriculture.

MORTIMER SCHWARTZ has been appointed a Founder Member of the International Institute of Space Law which was organized to replace the Permanent Legal Committee of the International Astronautical Federation. He has also been named as Vice-Chairman of the Institute's Working Group 10.

JEANNE TILLMAN joined the staff of the Law Library of the University of Virginia on July 1 as Head Cataloguer. She holds an A.B. from Florida State University and a D.S. in L.S. from the University of North Carolina. She was Assistant Cataloguer, Woman's College of the University of North Carolina from 1950 to 1952, Serials Cataloguer at Duke University School of Law from 1952 to 1953 and Law Librarian at Wake Forest College from 1953 to 1960.

MRS. VIVIAN WILSON has been named Law Librarian at Wake Forest College, Winston-Salem, North Carolina. She received her B.S. from Coker College in 1942, her B.S. in L.S. from George Peabody in 1943. She was Assistant Librarian at Mars Hill College from 1942 to 1948, was a Cataloguer at Wake Forest College from 1948 to 1952, Teacher-Librarian at Aurelian Springs School, Littleton, North Carolina and has most recently been connected with the high school libraries of Roanoke Rapids, North Carolina.

Among the Law Librarians attending the Southeastern Conference of Law Teachers held in Williamsburg, Virginia, August 25 to 27 were FRANCES FARMER and JEANNE TILLMAN of the University of Virginia, LOUISE MOORE of Washington and Lee University, HARRIET FRENCH of the University of Miami, and MARY OLIVER of the University of North Carolina.

AMONG OUR AUTHORS

RICHARD H. HANSEN, Assistant Law Librarian at the University of Nebraska, is the author of an article "Performance and Potential of Presidential Primary Laws," 39 *Nebraska Law Review* 473-527.

ROBERT SCHMID reviewed SO YOU WANT TO BE A LAWYER by William B. Nourse and Alan E. Nourse. The review was published in the Spring 1960 issue of the *Utah Law Review*.

KURT SCHWERIN is joint author with James A. Rahl of "Northwestern University School of Law—A Short History" published to commemorate the Centennial of the school by Northwestern University.

NEW MEMBERS

VIOLA ALLEN, new institutional member, School of Law, Franklin University, Columbus, Ohio.

THOMAS F. ALLMAN, new member, with the Chicago Law Institute, Chicago 2, Illinois replacing RUSSELL BAKER.

CHARLES P. BARRY is a new member from the Law Library in Brooklyn, Room 349, Supreme Court Building, Brooklyn 1, New York.

RICHARD L. BEER, a new member, is with the Oakland County Law Library, Court House, Pontiac, Michigan.

GEORGE BUSH, new member, with the Detroit Bar Association Library, 577 Penobscot Building, Detroit 26, Michigan, replacing NAPOLEON QUICK.

MALINDA CARPENTER, new member, with Georgetown University Law Library, 506 East Street, N.W., Washington 1, D. C., replacing MRS. COLLEEN M. GAHRES.

BERTHA M. CODDINGTON, new member, with California Western University, College of Law, San Diego 1, California, replacing MRS. LILLIAN E. MOORE.

MRS. RITA DRONE, newly designated institutional member by the Law Library, University of Minnesota, Minneapolis 14, Minnesota.

SIMON GOREN is a new member from the firm of Cleary, Gottlieb, Friendly & Hamilton, 52 Wall Street, New York 5, New York.

BRUNO GREENE, new institutional member for Law Library, University of Minnesota, Minneapolis 14, Minnesota.

TAO-TAI HSIA, a new active member, is with the Far Eastern Law Division, Library of Congress, Washington 7, D. C.

U. V. JONES, II, new member, designated by the Law Library, University of Washington, Seattle, Washington.

ZUHAIR ELIAS JWAIDEH, a new active member, is with the Library of Congress, Washington, D. C.

EDWARD H. KEITH, new member, with the Penobscot Bar Library, Bangor, Maine, replacing JAMES E. MITCHELL.

EUGENE KISER, newly designated institutional member from the School of Law Library, University of Tulsa, Tulsa 3, Oklahoma.

MARIE LAMONICA, new member, is at the University of Connecticut, School of Law, Hartford 5, Connecticut, replacing GLADYS S. BROWN.

ROSEMARY A. LOVELL, a new member, with the Columbus Law Library Association, Franklin County Court House Annex., Columbus, Ohio.

JAMES J. MCARDLE and GEORGE B. KAUTZ are new institutional members of King County Law Library, Seattle 4, Washington.

ANNA ROSEMARY MCCORMICK replaces KATHERINE J. BAIKIE as a member designated by the Law Society of Upper Canada, Osgoode Hall, Toronto, Canada.

LAUREL D. MEYERHOFF, new member, with the Institute for Business Planning, 32 Third Avenue, Mineola, Long Island, New York.

BEATRICE MONTGOMERY, new member, with the Los Angeles County Law Library, Los Angeles 12, California.

MARVIN M. MOORE, new institutional member, with the University of Akron, College of Law Library, 105 East Market Street, Akron 8, Ohio.

CAROL E. NICHOLS, new member, is Librarian, State Mutual Life Assurance Company of America, 440 Lincoln Street, Worcester, Massachusetts.

THOMAS NIELSEN, new institutional member, for the North Dakota State Law Library, Bismarck, North Dakota.

LOUISE O. PETRANSKY, a new member, is with the Columbus Law Library Association, Franklin County Court House Annex, Columbus, Ohio.

ARMINS RUSIS, 6111 Kenilworth Avenue, Riverdale, Maryland, a new member, with the Law Library, Library of Congress.

ELMER J. SELMAN, 1660 Brown Street, Akron, Ohio, is a new member.

JOSEPH P. SHERIDAN, a new member, with the Citizens Law Library, Westmoreland County Court House, Greensburg, Pennsylvania.

HOWARD SUGARMAN, new member, with Stanford University Law Library, Stanford, California, replacing MRS. IRMA GOLDNER.

GEORGE TORZSAY-BIBER, new member, from Stanford University Law Library, Stanford, California, replacing KATHLEEN BEAUFAIT.

JOHN TRAPANI has been designated a member by the Law Library in Brooklyn, Room 349, Supreme Court Building, Brooklyn, New York.

LEE WACHTEL, new member, from the Library, Department of Law, City of Cleveland, Cleveland 14, Ohio.

MRS. VIVIAN WILSON, new member, Wake Forest College of Law, College Station, Winston-Salem, North Carolina.

CHAPTER NEWS

On May 10th, 1960, 21 members of the Law Librarians of New England and their guests assembled at the Hawthorne Hotel in Salem, Massachusetts for their annual Spring meeting. Following dinner, Judge Edward Morley of the Gloucester District Court spoke to the group concerning the problems of his court, especially in relation to juvenile delinquency. The next day President-Elect Paul Ferguson conducted a tour of the Essex County Law Library including an exhibit of the papers of the Salem witchcraft trials, after which the New England Law Librarians left by bus for a trip along the North Shore from Marblehead to Rockport. At the final business meeting the following officers were elected for 1960-61: President: Paul F. Ferguson, Essex County Law Library; Vice-President: Philip A. Hazelton, New Hampshire State Library; Secretary-Treasurer: Frances B. Edward J. Bander, U. S. Court of Appeals Library, First Circuit; Myrtle A. Woods, Yale Law Library; Directors: Moody, Harvard Law Library.

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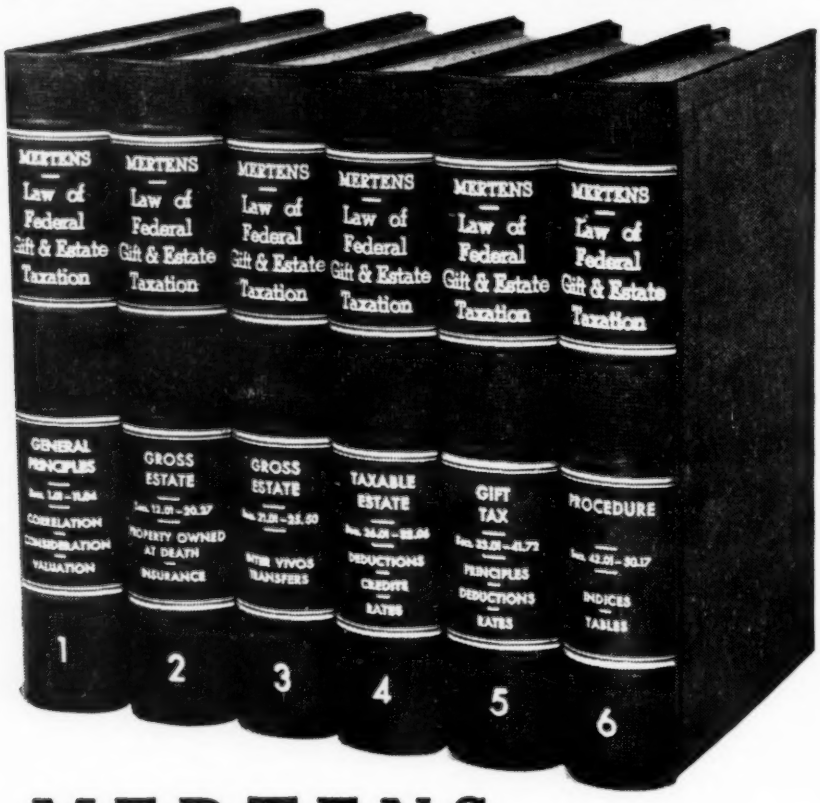

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Committee on Placement

The Committee on Placement of the American Association of Law Libraries maintains a file of education-experience data concerning law library personnel for the information of law library administrators. The Committee will suggest suitable candidates for positions in law libraries, on request. Inquire of Mr. Harry Bitner, Yale Law Library, New Haven, Conn., stating the nature of the position to be filled, educational and experience requirements, and salary range. Law librarians and prospective law librarians are invited to file with the Committee. Blanks will be furnished on request to the Chairman or any Committee member.

The *Law Library Journal* will publish, free of charge, classified advertisements concerning openings and positions wanted, as a service to the law librarianship profession. This free service is offered to any law library administrator is search of personnel and to any librarianship or law student who is interested in a position in a law library.

The free advertisement may run in two consecutive issues of the *Journal*. Free advertisement text is limited to 250 typewriter spaces (approximately 6½ printed lines). Additional copy is acceptable but will be assessed at the regular rate of $1.00 per printed line. Advertisements must be submitted in duplicate to the Business Manager of the *Journal* in time to meet these deadlines: for the February issue, December 7; for the May issue, March 7; for the August issue, June 7; and for the November issue, September 7.

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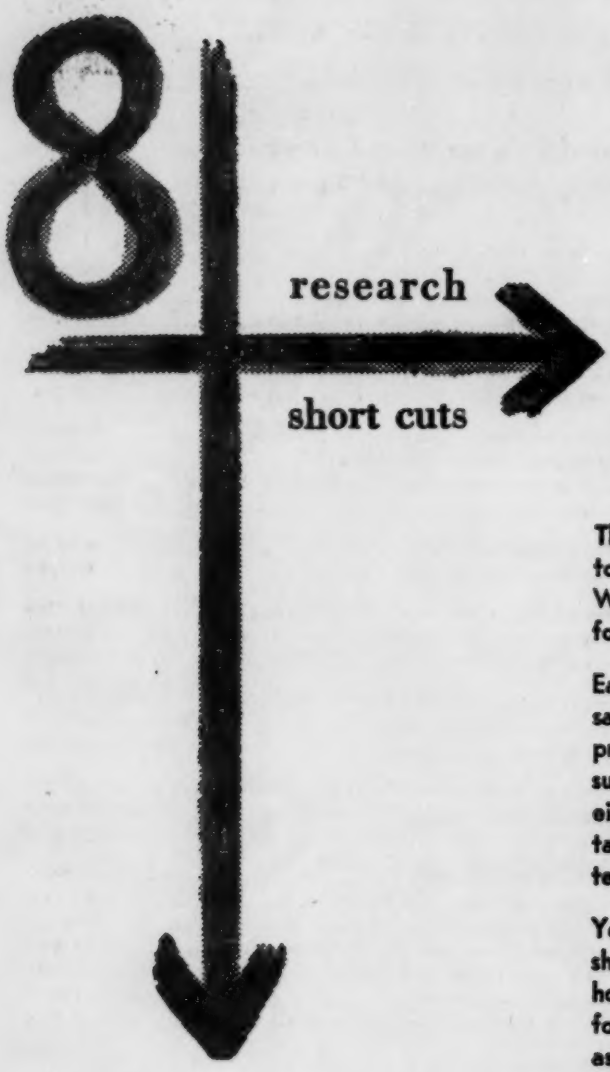

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